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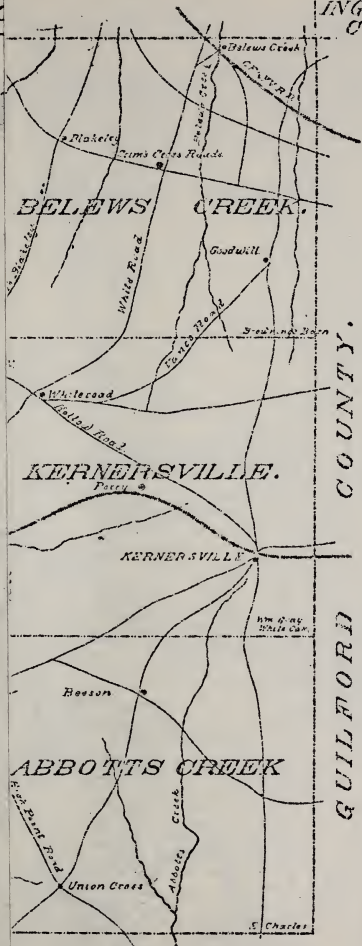
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Map of
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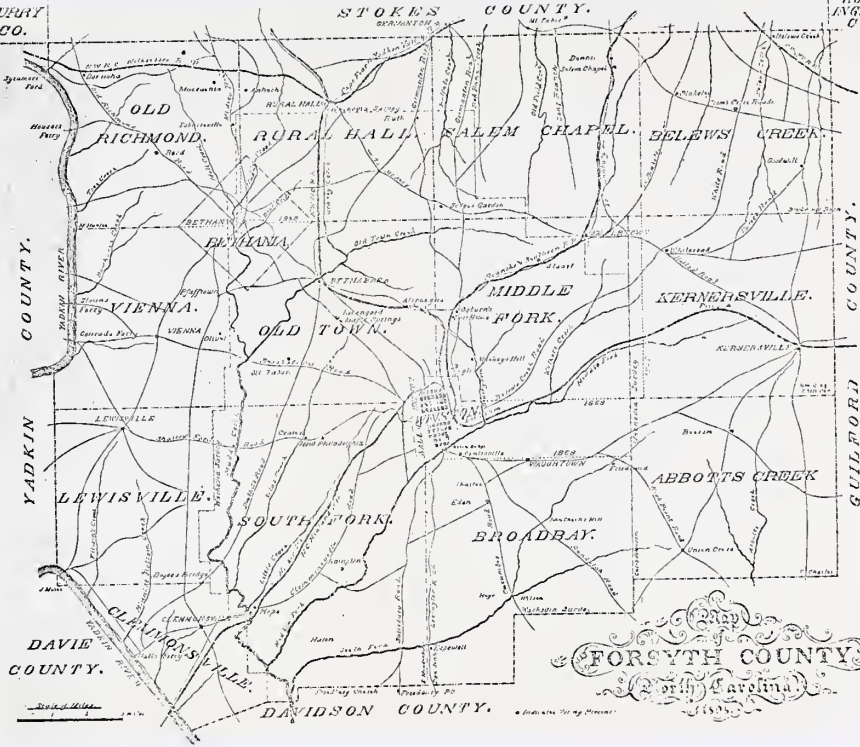
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FORSYTH COUNTY
North Carolina

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Forsyth County, n.c.

BY

ADELAIDE L. FRIES.

SALEM, NORTH CAROLINA.

1898.

WINSTON:
STEWARTS' PRINTING HOUSE
1894.

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FORSYTH COUNTY.

NOT all that has disappeared from view is lost forever; not all that is forgotten can be no more remembered. Lord Bacon says that "by an exact and scrupulous diligence and observation, out of monuments, names, words, proverbs, traditions, private records and evidences, fragments of stories, passages of books that concern not story, and the like," it is possible to "save and recover somewhat from the deluge of time."

Forsyth stands not upon the page of history blood-red with battle or pale with the counsels of the nations, yet behind her and around her lies the story of a commonwealth, and within her borders men have lived and wrought, have served their God, their State, their

Country faithfully, even as where the trumpet notes of fame have called all men to witness.

Now she stands forth, crowned with the majesty of years of growth and ever widening influence, and bids the pen unfold the Past, and give to these her children the record of her life, nor let her quiet days of joy and sorrow, struggle and achievement, sink all unheeded into the dust of ages.

CHAPTER I.

THE EVOLUTION OF FORSYTH COUNTY.

On October 30th, 1629, King Charles I. of England, gave to Sir Robert Heath, his Attorney General, that portion of the American Continent, stretching from the Atlantic to the Pacific, between the degrees of latitude 36 and 31, or from a line that would pass through Durham, N. C., almost to the southern boundary of Georgia. This land was called *Carolina* in honor of King Charles, the portion of the continent to the south bearing the name of *Florida*, "Land of Flowers."

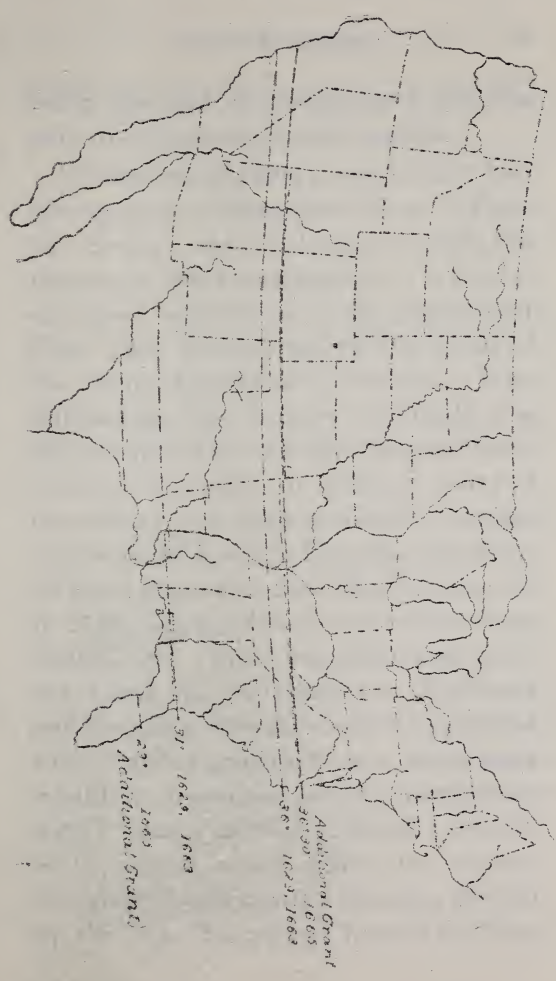
No active steps were taken towards establishing a colony there, and so, on March 24th, 1663, Charles II gave Carolina to eight English Lords, deciding that Robert Heath's title was forfeited

by his neglect of the province. A little later it was discovered that about thirty-one miles were left between the 36° and the Virginia line, and therefore on June 30th, 1665, a second Patent was given the Lords Proprietors extending their boundaries to $36^{\circ} 30''$ on the north, where it met Virginia, and to 29° on the south.

The first settlements were naturally along the sea coast, travel by land being slow and difficult, and the first *County* to be established was *Clarendon*, in the neighborhood of Cape Fear: *Albemarle County* on Albemarle Sound following very shortly. It was the intention to form another county—Craven—south of Cape Romain, (including the harbors of Charleston and Port Royal,) but this was not carried out.

Clarendon promised well at first, but a settlement from New England and two from the Barbadoes failed in succession, and the county was practically abandoned for a number of years, Albemarle

*Grants to Sir Robert Hoath 1661, and the eight
 Lords Proprietors 1663, and Map in 1663.*



being the seat of government and the only one appearing in the records.

By the end of 1696, a settlement had sprung up on "Pampticoe River" (Pamlico Sound), and on December 9th, the *County of Bath* was erected. It gradually grew southward to the Neuse and Cape Fear Rivers, taking the place of the extinct County of Clarendon. Like Albemarle, the County of Bath was divided into "Precincts," practically settlements scattered in different parts of the county and each entitled to certain representation in the General Assembly. Of these Precincts, *New Hanover*, formed in 1729, was near the mouth of the Cape Fear River. Until comparatively modern times the boundaries of Precincts and Counties were not carefully surveyed lines, but the growth from a settlement would in a manner retain a connection with it, until, having attained a considerable size, it would desire its own representation and rights: thus the growth up the Cape Fear River from New Han-

over in 1734 became *Bladen Precinct*, named for Martin Bladen, a member of the Board of Trade.

In 1738, the names of Albemarle and Bath were dropped, and the Precincts became Counties.

Then the settlement spread from Bladen County on the Cape Fear, to the Pee Dee or lower Yadkin, and became a separate county in 1749, under the name of *Anson*, who at one time lived in Carolina, and was raised to the Peerage for his brilliant services in the Spanish war.

With Anson County came the beginning of definite boundaries, and Anson extended from the South Carolina line to Virginia, the line dividing it from Bladen being about "equi-distant from Saxpahaw River (Haw River) and Great Pee Dee River," and it was enacted that "all the inhabitants to the westward of the afore-mentioned dividing line, shall belong and appertain to Anson County."

But by this time the Government of Carolina had changed hands. Originally

"North Carolina" was only the thirty-mile strip next to Virginia given to the Proprietors by their second Charter, all the rest being "Carolina"; then in course of time settlements in the far south of their possessions became "South Carolina," and the term "North Carolina" was widened until it covered the territory from Virginia to South Carolina, and from the Atlantic to the Pacific, nominally, although in fact it never crossed the Mississippi.

In 1710 Governors were appointed separately for North and South Carolina, and in 1719 South Carolina, tired of Proprietary government, threw it off, claiming and receiving the protection of the Crown. North Carolina, on the other hand, moved on in a sturdy, independent fashion, her Assembly making such laws as it thought best, and obeying the Proprietors' Governor until he became unendurable, and then deposing him, and welcoming the next incumbent.

But the original Proprietors died, and

their heirs found Carolina a poor investment and a troublesome charge; in 1728, therefore, the holders of seven of the eight equal undivided shares proposed to sell all their interest in Carolina to the Crown, and the proposition was accepted. John, Lord Carteret, afterwards Earl Granville, decided to retain his one-eighth of the property, but gave up all claim to the sovereignty. Although South Carolina had thrown off the rule of the Proprietors their landed rights were unquestioned, and all the territory granted by the Charters of Charles II was involved in the purchase, the Crown paying £2,500 for each of the seven shares, and an additional £5,000 for unpaid quit rents—a total of £22,500, or about \$112,500.

Lord Granville asked that his share be laid off for him wherever a committee, appointed half by himself and half by the Crown, should decide. This petition his majesty was pleased to refer to the right honorable the lords of the commit-

tee of his majesty's most honourable privy council", they referred it to "the lords commissioners for trade and plantations", they reported to the privy council, and they reported to his majesty, some twelve years after the petition was offered. But the report being favorable, and his majesty approving, a committee was appointed to select the location, and in 1744 Lord Granville received his share from George II. then reigning. It was "in the province of North Carolina, next adjoining and contiguous to the province of Virginia," and was "bounded to the north by the line that divides Carolina from Virginia, to the east by the great western ocean, commonly so called (Atlantic), and as far southwardly as a cedar stake set upon the sea-side in the latitude of $35^{\circ} 34''$ north latitude, * * from that stake by a west line * * as far as the bounds of the charter granted to the lords proprietors of Carolina." This land was granted to "John, Lord Carteret, his heirs and assigns forever."

they "yielding and paying to his said majesty, his heirs and successors the annual rent of 1£ 13s 4d. payable at the feast of All Saints. forever: and also one-fourth part of all gold and silver ore that shall be found."

On March 27th, 1753, that part of Lord Granville's property lying in Anson County was formed into a separate county under the name of *Rowan*, so called from Matthew Rowan, at that time President of the General Assembly and Chief Executive of the Province, Governor Johnston having died, and Governor Dobbs having not yet come. The Act provided—

"That Anson County be divided by a line, to begin where Anson line was to cross Earl Granville's line, and from thence, in a direct line north, to the Virginia line; and that the said County be bounded to the north by the Virginia line, and to the south by the southern-most line of Earl Granville's land: * * * and that all the inhabitants to the westward of the said line, and included within the before mentioned boundaries shall belong and appertain to Rowan County."

These were the first straight, definitely surveyed lines in the history of the Counties: and the Granville line may be seen on a modern map of North Carolina, in the line which divides Moore, Montgomery, Stanly and Cabarrus, from Randolph, Davidson, Rowan and Iredell.

On December 5th, 1770, the Assembly held at New-Bern, Wm. Tryon being Governor, passed an Act by which, on April 1st, 1771, the northern part of Rowan County became *Surry County*, named for Lord Surry, a leading member of the Whig party in England. Guilford County, which then included Rockingham and Randolph, had been erected earlier in the same session of the Assembly; the boundaries of Surry County therefore began

"at a point forty-two miles north of Earl Granville's line, on Guilford County line; thence running north to the Virginia line; thence westwardly along the mountains to the ridge that divides the waters of the Yadkin and the Catawba rivers; thence along the

said ridge to the northwest corner of Rowan county: thence east along Rowan county line to the beginning."

The southern line was altered in 1773, and the western boundary was changed in 1777, when Wilkes County was formed from part of Surry and part of the District of Washington, the rest of that District becoming the County of Washington, now the State of Tennessee.

In the records of the General Assembly held at Fayetteville, on November 2nd, 1789, Samuel Johnston being Governor, this Act appears:

"WHEREAS, The large extent and inconvenient situation of the County of Surry, render the attendance of the inhabitants of the extreme parts at courts, elections and general musters, difficult and expensive: For remedy whereof, and to gratify the wishes of the good people of the county: 1. *Be it enacted, etc.*, That from and after the passing of this act, the county of Surry shall be divided into two distinct counties, by a line beginning on the line dividing this State from the State of Virginia, at a point equi distant from the nearest parts of the counties of Rockingham and Wilkes, and running from thence until it intersects the Rowan county line, so as to leave an

equal number of acres in each county. 2. *And be it further enacted*, That all that part of the said county, lying west of said line, shall be erected into a distinct county by the name of Surry county; and all that part lying east of said line, shall be erected into another distinct county by the name of *Stokes County*."

This name was given in honor of Colonel, afterwards Judge John Stokes, brother of Governor Montford Stokes.

The line between Surry and Stokes Counties seems originally to have run south by survey until it touched the Yadkin River the second time, and then, according to custom, to have followed the river to Rowan County. In this distance the river curved to the west and back again, forming a large C. In 1797 "all that part of the county of Stokes lying south of the Yadkin river" was added to Surry, and when, later, the southern part of Surry was erected into Yadkin County, this segment, cut off by the river from the county to which it belonged, became popularly known as "Little Yadkin." The Act of 1797 gave

a straight and definite line from the bend of the Yadkin south, but to go north directly from the bend, according to the Act of 1789, gave to Stokes a narrow, ragged strip of land on the west of the river: in 1811, therefore, the line was changed, and it was enacted—

“That after the county line intersects the southern boundary of the lands formerly belonging to Samuel Kirby, senior, now Joseph Wilson, it shall run thence along the southern and western boundaries of said land to the Yadkin river; thence up the river until it intersects the present line between the two counties.”

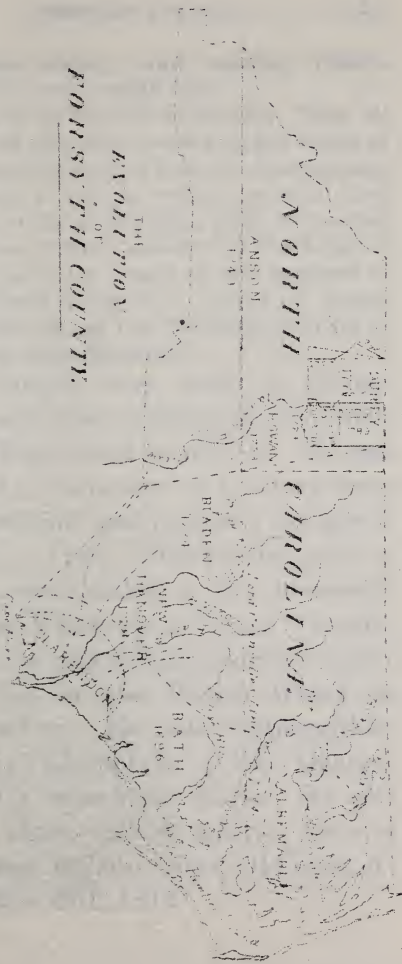
During the session of Assembly in the winter of 1848-1849, Stokes County was divided by an Act that read as follows:

“Whereas, the extent and peculiar situation of the county of Stokes render it desirable, with a large majority of its inhabitants, to have the same divided: Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That, from and after the passing of this act, the county of Stokes shall be divided into two distinct counties, by a line beginning at the south-west corner of*

FOURSYTH COUNTY.

EVOLITION

OF



Rockingham county, and running thence west to the Surry county line.

Sec. 2. *And be it further enacted*, That all that part of the said county, lying north of said line, shall be erected into a distinct county by the name of Stokes county; and all that part lying south of said line, shall be erected into another distinct county by the name of *Forsyth county*, in honor of the memory of Col. Benjamin Forsyth, a native of Stokes county, who fell on the Northern frontier in the late war with England."

Col. Forsyth was born in Stokes County, and was a member of the North Carolina Legislature in 1807-8. He was appointed a lieutenant of infantry from North Carolina, and became a captain of riflemen in 1808. During the war of 1812, he commanded in the successful assault on Gananoque, Upper Canada, and won his rank as lieutenant-colonel at the capture of the British Guard at Elizabethtown. He also distinguished himself at the capture of Fort George, and at the attack on York. He was killed in battle with a superior force of British and Indians, near Oldtown, N. Y., on June 28th, 1814.

An Act, supplemental to the one dividing Stokes County, gave a number of particulars as to the formation of the county government, etc., and appointed Caleb Jones, Frederick C. Meinung and John Banner to run the dividing line. The third section of the Act provided—

"That Zadok Stafford, John Stafford, Henry A. Leamy, Leonard Conrad and Francis Fries, be appointed commissioners for the county of Forsyth, whose duty it shall be to select suitable sites for permanent seats of justice in their respective counties [Stokes commissioners were also appointed]; to purchase * * * tracts of land on which to erect the necessary public buildings; to lay off the residue, not used for public purposes, in streets and town lots; to sell such lots at public auction; * * to purchase for and at each court-house not less than thirty acres of land. Sec. 4. That the title to the said tracts of land obtained by said commissioners shall be made to the chairman of the county court of county in which such land is situated, and his successors."

The Act dividing Stokes was ratified on January 16th, 1849, which might be called the birthday of Forsyth County.

CHAPTER II.

FIRST SETTLEMENT IN WACHOVIA.

Some ninety-seven years before the erection of Forsyth County, a traveler from beyond the seas came to Carolina. Nathaniel Rice was at that time the Chief Executive of the Province, having been President of the Council on July 17th, 1752, when Governor Johnston died, and being in his turn succeeded, January 29th, 1753, by Matthew Rowan, already referred to in connection with the naming of Rowan County.

The visitor, Bishop Joseph Spangenberg, came as the representative of the *UNITAS FRATRU*, or Moravian Church, which had its headquarters at Herrnhut, Saxony, and was considering the purchase of a tract of land from Lord Granville, in order to establish a settlement in Carolina. His mission was to find,

somewhere in Lord Granville's land, a well watered and fertile spot, where some 100,000 acres could be secured in a compact body, and towns could be built and governed according to Moravian ideas. After searching all the northern part of the State, from the ocean to the mountains, and into Tennessee, he found such a place as he desired; it was surveyed under his direction, and, on August 7th, 1753, Lord Granville conveyed the "Wachovia Tract" by 19 deeds to James Hutton, of London, who had been selected to hold the title to the land.

According to the agreement of the same date between "the Right Honorable John Earl Granville Viscount Carteret and Baron Carteret of Hawnes," and "James Hutton, Gentleman, Secretary to the Unitas Fratrum,"—with the approval of the Lord Advocate (then Count Zinzer-Berf), the Chancellor and the Agent of the Unitas Fratrum—Granville, "in consideration of the sum of Five Hundred pounds Sterling * *

conveyed to the said James Hutton, his heirs and assigns (in Trust and for the Use, Benefit and Behoof of the said Unitas Fratrum) * * the full quantity of Ninety-Eight Thousand Nine Hundred and Eighty-Five Acres of land lying in the county of Anson * * under the yearly Rent or Sum of 148£. 9s. 2½d, (3 shillings per hundred Acres).'' If any gold or silver mines were found $\frac{1}{2}$ was reserved for the King, and $\frac{1}{2}$ of the remaining $\frac{1}{2}$ for Lord Granville. The rent was to be paid semi-annually, or annually if they preferred, and if it became six months overdue, the title was to be forfeited. Four years were allowed for the payment of the 500£, the 4 per cent. interest being paid with the rent. The 98,985 acres in 19 tracts were surveyed by Wm. Churton, and the deeds "Sealed and delivered in the presence of Arthur Dobbs and Ben Wheatley."

The Unitas Fratrum had no available funds to support so large an enterprise, but individual members and outside

friends subscribed an amount sufficient "for locating and surveying the Land, for the payment of the Purchase Money and the yearly Quit rent of 148£, 9s., 2½d Sterl, * * and still larger sums for the transportation of Settlers from Europe, most of them Germans, over Sea to Pennsylvania and thence by Land to North Carolina, as well as to settle and stock Trades." These good friends were gradually reimbursed by the proceeds of the sale of lands not needed for the Meravian towns.

The Wachovia Tract having been transferred into the hands of the Unitas Fratrum, the next step was to settle their new possessions, and for this purpose a party of twelve single Brethren left Bethlehem, Pa., on October 8th, 1753. These pioneers were :

Rev. Bernhard Adam Grube—the first Pastor.

Jacob Losch (Lash)—Business Manager.

Hans Martin Katterlahn—Physician.

John Beroth and John Lisher—Farmers,

Herman Losh—Miller,

Jacob Lung—Gardener,

Christopher Merkle—Baker,

Erich Ingebresten—Carpenter,

Henry Feldhausen—Carpenter and Hunter,

Hans Peterson—Tailor,

Jacob Pfeil—Shoemaker.

“In a wagon with six horses they carried the various articles needed for their journey,” and to provide the necessary food “some of their number would go to farms, sometimes ten miles off their road, and help to thresh the oats” besides paying for what they took away. “Not unfrequently they had to unload and carry a portion of their baggage over the mountains. They generally prepared their frugal morning meal at three o’clock, and started by the dawn of day, after their regular morning prayer.” On November 13th, they crossed the Carolina line, and “on Saturday, the 17th of

November, 1753, at three o'clock P. M., they reached the spot where stands to this day the town of *Bethabara*, now commonly called *Old Town*." "Here they found shelter in a small cabin, built and previously inhabited by a German of the name of Hans Wagner, but then unoccupied." On Sunday they rested, but on the following day went energetically to work, and the little clearing soon became a center of attraction to all the surrounding country, the services of the physician and tailor especially being greatly needed by the scattered and badly equipped population.

In Carolina, copying the mother-country, the Church of England was for many years the established church. Each county was constituted a Parish, with a Vestry which had charge of the spiritual affairs of the Parish, kept the register of births and marriages, etc. While individual liberty of worship was usually not interfered with, this supervision was unpleasant to the Moravians, who had a

very complete system of their own for the government of their congregations and towns. Wachovia was still under the care of the church authorities in Bethlehem, Pa., and they took advantage of the coming of Arthur Dobbs, the new Governor for North Carolina, to petition special favor in the matter.

To Governor Arthur Dobbs.

MAY IT PLEASE YOUR EXCELLENCY:

Whereas, His Majesty and the late British Parliament in the year 1749 have thought proper to pass an Act in favor of the people known by the name of Unitas Fratrum, in order to encourage them to settle in the British Plantations in America. * * * And whereas, since that time the Lord Advocate, Chancellor, and Agent of the Unitas Fratrum have purchased a large Tract of Land, now called by them Wachovia. * * in order to settle a number of United Brethren thereon. And whereas, we and our United Brn. value nothing so much as Liberty of Conscience, and the granting an unlimited Liberty of Conscience to our people will prove a proper encouragement to transplant themselves from these and other parts to North Carolina.

Therefore, we the Subscribers, in behalf of our United Brn. who are already settled on

the said land called Wachovia, or have a mind from time to time to settle there, pray, that your Excellency may be pleased to recommend to his Majesty's Council, and the General Assembly of N. C. to pass an Act for the further encouragement of the people known by the name of Unitas Fratrum to settle in the province of N. C. whereby the land called Wachovia may be erected into a separate Parish, and that leave be given to regulate the matters in said Parish according to the Rules, Rites, and Terms of our ancient episcopal protestant church, which when so granted, will not only be an undoubted encouragement for our Bre. to settle themselves readily in the province of N. C. but also cause us to promote our Bre.'s removing from these Northern parts to the said land Wachovia, and at the same time impress a deep sense of gratitude upon the minds of

Your Excellencies

most obliged &

Becklehem in

most obedient

the county of

humble servants

Northampton &

Province of Penn.

DAVID EP.

12th Aug. 1774.

MATTHEW EPISC.

With this petition from Bishop David Nitschmann and Bishop Matthew Held went a letter from Peter Boehler, then in Edenton, who most heartily recom-

mended the measure to Gov. Dobbs, urging that it asked only what all the northern Moravian settlements enjoyed, and stating that without this privilege it would be almost impossible to induce more of the Brethren to move there.

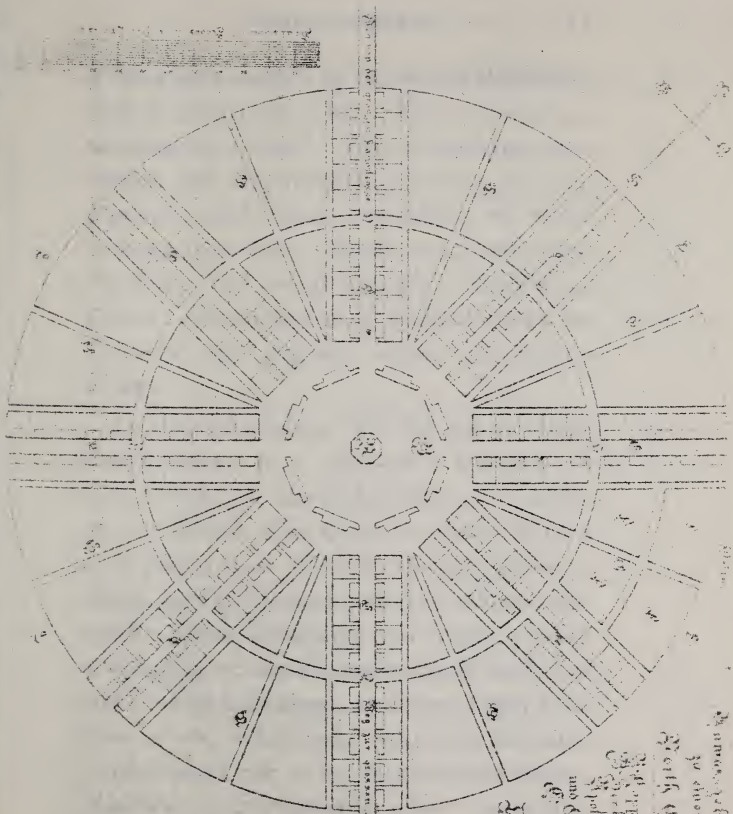
The petition met with a kindly reception, and the General Assembly, in session in October, 1755, passed an Act erecting Wachovia into a separate and distinct Parish, which received the name of *Dobbs Parish*. The success of this measure meant much to the new settlement, and ultimately had great weight in establishing the boundaries of the county.

Meantime the Brethren went quietly on with their work, a grist-mill and meeting-house were erected, and at the close of 1756, there were in the little town 18 married people, 44 single Brethren, 1 boy, and 2 infants—65 in all.

The Indian War disturbed the following years, but brought Bethabara prominently before the people, many coming

long distances to buy the grain which the Brethren continued to sell at the usual price, and many others availing themselves of the protection afforded by the fortifications, which had been thrown up around the village, and around the mill. Some of these visitors desiring to connect themselves with the Moravians, it was decided to begin another town, and a suitable location having been found three miles northwest of Bethabara, about 2,000 acres were set apart for the use of the *Bethania* congregation, and in July, 1759, eight married couples from Bethabara, and as many friends, settled in their new home.

From the first it was the intention to establish a town in the very center of the Tract, and the name which they gave to their first village, "Bethabara—House of Passage," indicates that they considered it only as the stepping-stone to this central town. Peace having been restored by 1762, and a number of additional settlers having come to Wachovia,



Amusements des Princes
 zu einer Stadt in
 North Carolina.

Die Stadt ist ein
 sehr angenehmer
 Aufenthalt für
 die Könige und
 die Prinzen.

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 sehr angenehmer
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 die Prinzen.

it became possible to carry out this plan, and on February 14th, 1765, the site was selected by "lot." Five situations were chosen, all apparently suitable for the purpose, and then, according to their custom, the final choice was left with the Lord, the result being that *Salem* (as Count Zinzendorf had wished it to be named) was placed where it stands to-day.

In the Archives at Herrnhut, Germany, there is a plot—a "Project zu einer Stadt in North Carolina." In the center stands the Church, about it in a circle six Choir Houses, the Apothecary Shop, and the Inn and church offices. Between these buildings run eight streets diverging at equal angles, and each has rows of shade trees, and ten town lots, five on a side: then comes a circular avenue, and ten more lots on each street. Narrow streets pass at the rear of the lots, and divide the intervening sections, of which the one lying toward the east is occupied by the "Gottesacker"—

"God's Acre." A second circular avenue encloses the whole. Such was the manner in which it was proposed to build Wachovia's principal town, when as yet it had not even a name, but when the time came the land seemed unsuited for it, and Forsyth County failed to receive what would have been a unique and attractive sight for later generations.

On January 6th, 1766, the first log was cut for the first house to be built in Salem, and on February 19th, eight young men moved there, killing two deer on their way through the woods. Next day their surveyor, Reuter, laid out the Square of the future town.

In 1768 Frederick William von Marshall came with his family to settle in Salem, and from that time until the close of the century he was the central figure in the history of Wachovia. When the *Unitas Fratrum* bought land in the New World, the Quit Claim deeds were made in the name of some individual member (as James Hutton, of London, for Wa-

chovia), and the management rested with the German Board. As the American Province increased in size it became necessary to have a representative of the Board there: a Power of Attorney was therefore sent by Hutton to Marshall, who was then on an official visit to Bethlehem, Pa., authorizing him to take charge of the affairs of the Unity in Wachovia, and especially to *lease* lands in the manner he should find most advantageous.

In pursuance of these instructions Marshall visited Wachovia in the fall of 1764, being present in February, 1765, when the site for Salem was chosen: then returned to Europe, where arrangements were made for him to become a resident of Salem. An order from "the Lord Advocate of Unitas Fratrum, Henry XXVIII (Henry XXVIII Reuss, Count and Lord of Plauen), Abraham v. Gersdorff, Chancellor of the Unitas Fratrum, and Cornelius v. Laar, Agent", to James Hutton, authorized him "to empower

Frederic Marshall for to sell etc., parcel or parcels of Wachovia;" and a second Power of Attorney from James Hutton to Marshall, dated October 9th, 1767, permitted him to sell, convey, etc., lands in Wachovia, "re-serving thereon nevertheless to James Charlesworth, of Padsey, County of York, Great Britain * * the Usual Quit Rents * * reserved by grants * * to Granville, which since the said Earl's death, have been purchased by the said James Charlesworth, of Robert Earl Granville, his late Lordship's only son and heir." In 1768, therefore, Marshall returned to Salem, as the "Administrator" of the Unity. Each Congregation also had its "Warden" to attend to its secular affairs, and each leased from the Unity such lands as it needed, subleasing them in turn to its individual members. Thus in 1772 the *Salem Land* was measured, and found to contain 3,159 $\frac{1}{4}$ acres, of which 82 $\frac{1}{4}$ acres on the northwest corner were returned to the Unity in 1786, leaving 3,077 $\frac{1}{4}$ acres,

paying £69:5:5 rent to the Administration.

In 1771 Wachovia was removed from the care of the Church at Bethlehem, Pa., and was constituted as the Southern Province of the Moravian Church, with full powers for local government.

For two years previous to 1773 the Wachovia Tract lay half in Surry and half in Rowan County. This the inhabitants found very inconvenient, since their interests were all one, and a special Act had made them one Parish, *Dobbs*, although the Parish lines usually coincided with the county lines; the Legislature meeting in March of that year therefore passed an Act changing the Surry line so that it began

at a point in the line dividing Rowan and Guilford Counties, thirty-six miles from the southeast corner of Rowan, thence running a due west course, to the ridge dividing the waters of the Yadkin and Catawba rivers, which line is to be parallel to Earl Granville's south boundary line (excepting where the bounds of the Parish of Dobbs interfere, which

Parish is hereby intended and declared to be included in Surry county)."

There is a discrepancy of six miles in the distance of the Surry line from Earl Granville's line, as given by the Acts of 1770 and 1773, which is due either to a use of statute miles in the one instance and geographical miles in the other, or to an inaccuracy in the survey. The line itself was changed only at the boundary of Dobbs Parish, where it took the many-angled course which still marks the southern limit of Forsyth County.

CHAPTER III.

WACHOVIA AND THE REVOLUTION- ARY WAR.

In 1775, Frederick William Marshall went to Europe, to attend a General Synod of the Church, held at Barby, Saxony, and was detained abroad for four years, on account of the Revolutionary War, which broke out in 1776.

The following years were very trying for the Brethren, who, bereft of the counsels of their able leader, were at a loss how to conduct themselves in the changing conditions of the time. Before his departure, already, the trouble had begun, for as they refused to espouse the cause either of Regulator or of royal Governor, both parties regarded them with suspicion, and they were several times called to account for rendering

secret aid to the Tories. But each investigation proved them innocent of any departure from their claimed neutrality, and throughout the war they refrained, for conscience' sake, from bearing arms.

In November, 1777, the Legislature, in session at Newbern, passed the so-called "Confiscation Act," which decreed that—

"All the lands * * and movable property within this State * * to which any person had title on the fourth day of July in the year 1776, and who on said day was absent from this State, and every part of the United States, and who is still absent from the same, * * shall, and are hereby declared to be confiscated to the use of this State: unless such person shall, at the next general assembly which shall be held after the first day of October in the year 1778, appear, and be, by the said assembly, admitted to the privilege of a citizen of this State," etc.

With these conditions the Brethren were unable to comply, for, although James Hutson, on October 28th, 1778, transferred the title to Frederick Marshall (who was a citizen of North Carolina), and appointed Rev. John Michael

Graff, Jacob Blum, Esq., and Traugott Bagge his attorneys to attend to making the transfer secure in America, yet Marshall still remained abroad. The older and more influential members were, moreover, unwilling to take the oath of allegiance to the new government and abjure King George, although many of the younger men did so. One of the Brethren was sent to Bethlehem, Pa., to consult with the Church there, but they were in the same dilemma, and could give no aid. Many people believed that the Moravians would surely be driven out, and entered various parcels of their land, including the towns of Salem and Bethabara and the two mills, rating these more valuable portions at 50 shillings, Continental money, for 100 acres.

The session of the Legislature which ended in January, 1779, passed an Act stating that—

“Whereas, many persons who come within the descriptions of the aforesaid act (Confiscation Act, 1777) * * have failed or neglected to appear before the general Assembly during

the present session. * * Be it therefore enacted, That all the lands * * of every person and persons who come within the descriptions of the aforesaid act * * shall be forfeited to the State," etc.

This made matters still worse for the Brethren, and gave them no choice as to their future attitude toward the new government. Many of the Brethren opposed the taking of an oath under any circumstances, but this objection was met by the same Legislature in "An act to prescribe the Affirmation of Allegiance and Fidelity to this State to be taken by the Unitas Fratrum or Moravians, Menonites, and Dunkards, and granting them certain indulgencies therein mentioned and other Purposes." The Act read as follows:

"In order to quiet the Consciences and indulge the religious Scruples of the Sects called the Unitas Fratrum or Moravians, Quakers, Menonites, and Dunkards; *Be it enacted, etc.,* That the Affirmation of Allegiance and Fidelity to this State, shall hereafter be taken by all the above People in the Form following: [Then follows the form.] Which said Affirmation being taken before any Justice of

the Peace in the County where they reside, at or before the first day of May next, shall entitle them to all those Rights, Privileges and Immunities they heretofore respectively enjoyed, any law to the contrary notwithstanding, the Assessment and payment of Taxes only accepted."

All the Brethren, therefore, who had not yet taken the Test Oath, now solemnly *affirmed* their fealty to the United States, and their trouble was settled for a time. In the Fall of the year Frederick William Marshall returned from Europe, and was followed in the Spring of 1780 by Bishop J. F. Reichel, who came as the representative of the General Board of the Unitas Fratrum, and, under the direction of these two, the Brethren fell into harmony with the new order of things in their adopted country.

In February, 1781, the British Army, under Lord Cornwallis, traversed the county, camping near Bethabara and passing through Salem, but committing no serious depredations.

A more welcome guest came ten years later, when George Washington, the first

President of the United States, spent a day in Salem on his way to visit Gov. Martin. He passed the time inspecting the various establishments of the Brethren, visited the Brothers' and Sisters' Houses, and was especially pleased with the Water-works. In the evening "six Brethren dined with him, and at night the President, his Secretary, and Gov. Martin of North Carolina, who had come to meet him, attended the singing meeting to their great edification."

In November, 1781, sixty-three members of the Assembly, with Governor Alexander Martin, met in Salem, but failed to hold their session through lack of a quorum. The visit was repeated in January, 1782, and was of much value to the Brethren, as through its representatives the State learned to know and better understand their real intentions, and the more readily decided in their favor the disputed title to the Wachovia Tract.

Although the Brethren had been unmo-

tested since taking the Affirmation of Allegiance to the American Government, many persons contended that Frederick William Marshall had no legal right to the title, since through the Confiscation Act James Hutton, an alien, had lost all claim to it *before* going through the form of transferring it to Marshall. But when the deeds were first made to Hutton, Count Zinzendorf had insisted upon the insertion of the clause "in trust for the Unitas Fratrum," and while the nominal owner had not been a citizen of Carolina when he transferred the title, those for whom he held the land "in trust" had been resident in the State for many years, and could not justly be dispossessed. The Legislature, therefore, relinquishing any claim it might have had, passed an Act on April 13th, 1782, "To vest in Frederick William Marshall, Esquire, of Salem, in Surry County, all the lands of the Unitas Fratrum, in this state, for the use of the United Brethren."

CHAPTER IV.

THE TITLE TO WACHOVIA.

The Act, vesting the title to the lands of the Unitas Fratrum (in N. C.) in Fred. Wm. Marshall, read as follows :

"1. Whereas, Frederick William Marshall, esquire, of Salem in Surry county, hath made it appear to this General Assembly that all the tracts of land in this state belonging to the lord advocate, the chancellor and the agent of the Unitas Fratrum, or united brethren, have been transferred to him from the former possessors, in trust for the Unitas Fratrum, or united brethren; and whereas doubts have arisen whether the said tracts do not come within the description of the confiscation act; and to quiet the minds of those to whom conveyances have been, or are to be made, of any part or parts thereof; II. *Be it therefore enacted, by the General Assembly of the state of North Carolina, and it is hereby enacted by authority of the same, that a certain deed of lease and release, dated the twenty-seventh and twenty eighth of October, one thousand*

seven hundred and seventy-eight, from James Hutton, conveying the tract of Wachovia, in Surry county, to said Frederick William Marshall, be hereby declared valid in law, and to be admitted to probate in the county of Surry, and registered in the register's office thereof, agreeable to the testimonials thereunto appertaining; and that all lands which by deed of bargain and sale of the twentieth of April, one thousand seven hundred and sixty-four, between William Churton and Charles Metcalf, registered in the county of Orange in book number one, page one hundred and six, and in Rowan county, in book E, number five, page four hundred and fifty-two, &c., were then conveyed to said Charles Metcalf, be hereby vested in the said Frederick William Marshall in trust as aforesaid; and all conveyances of the above mentioned lands, or any of them, made, or which shall be made by the said Frederick William Marshall, shall be as good and valid to all intents and purposes as if the confiscation act had never passed.

III. *And be it further enacted by the authority aforesaid*, that the power of Attorney of Christian Frederick Cossart, dated the third of November, one thousand seven hundred and seventy-two, empowering said Frederick William Marshall to sell his lands, be admitted to probate and registry in the county of Wilkes, and be as good and valid in law as it could or might have been, had the act of confiscation never passed."

The "Wachovia Tract" referred to in this Act, was, of course, that purchased from Lord Granville at the beginning of the Moravian settlement in Carolina.

The "Metcalf Lands" consisted of between eleven and twelve thousand acres, granted by Earl Granville to Wm. Churton, his surveyor-general, on Jan. 5th, 1762, and surveyed in twenty tracts by Churton himself, Jacob Lash of Wachovia, and Thos. Child of Suffolk, Va.

On April 20th, 1764, Wm. Churton sold these tracts to Charles Metcalf, the deed mentioning 20£ consideration. Charles Metcalf, in turn, sold lots 18, 19 and 20 to his sister Mary. February 6, 1772, Chas. Metcalf sent a Power of Attorney to F. W. Marshall to sell his land, and on Jan. 14, 1773, "Mary Metcalf of Chelsea in the county of Middlesex," gave similar authority to Marshall concerning her share. Marshall decided to buy the lands for the Unitas Fratrum, and therefore, on October 21st, 1778, Power of Attorney was sent by Metcalf

and his sister to Rev. Michael Graff, Jacob Bonn and Traugott Bagge to sell the 17 tracts for 200£. and the 3 tracts for 50£.

The 20 Metcalf tracts were not together like the Wachovia Tract, but were scattered along the water-courses in what were then Rowan and Orange Counties. Several formed the Blanket Bottom tract, on the creek of that name; others were on the branches of Abbott's Creek, Muddy Creek, etc., and still others in what are now Person and Caswell Counties.

During all these years the Unity had been steadily paying an annual quit-rent to the heir of Lord Granville and those to whom he afterward sold it. In 1788 the Rev. Wm. Horne, "late of Dublin but now of Ballondary in the County of Antrim in the Kingdom of Ireland," was "Lord of the Fee," and from him, on May 5th, F. W. Marshall bought for 5 shillings, "all and every of 19 several and distinct annual Rents stipulated provided reserved

and mentioned in and by 19 several Indentures or Grants * * made between John Esrl Granville of the one part and James Hutton of the other part, * * making in the whole the Annual Sum of £148:9:2½ Sterling Money of Great Britain."

This was only a legal preliminary to the transaction of the following day, May 6th, when Marshall, as agent for the Unitas Fratrum, received the fee simple title to the Wachovia Tract, paying £1,000 for it. Rev. Daniel Koehler, Rev. Christian Benzien, and Traugott Bagge were appointed by Horne as his attorneys to have the deed registered in North Carolina.

The actual purchase price of Wachovia may therefore be estimated thus:

Purchase money.....	£ 500:	\$ 2,420 00
4 per cent. interest. 4 yrs,	£ 80:	387 20
Quit-rent, 35 years,.....	£5192:2:3	25,129 82
Purchase of Title,.....	£1000:	4,840 00
	<u>£6772:2:3</u>	<u>\$32,777 02</u>

On Feb. 11th, 1802, F. W. Marshall died, and by his will Christian Lewis Benzien became "Proprietor," holding the title to the lands of the Unitas Fra-

trum in N. C. Sometimes the "Proprietor" also held the position of "Administrator," or agent of the Unity in the management of its local business affairs; at other times the offices were separate. The Proprietors of the Wachovia Tract, etc., were :

1. James Hutton, of London, Aug. 7th, 1753—Oct. 28th, 1778 :

Title transferred by deed to

2. Frederick William Marshall, of Salem, N. C., 1778—Feb. 11th, 1802 ;

Transferred by will to

3. Christian Lewis Benzien, of Salem, 1802—November 13th, 1811 ;

Transferred by will to

4. John Gebhard Cunow, of Bethlehem, Pa., 1811—March 28, 1822 ;

Transferred by deed to

5. Lewis David von Schweinitz, of Bethlehem, Pa., 1822 — February 8th, 1834 ;

Transferred by will to

6. William Henry Van Vleck, of New York City, 1834—August 7th, 1844 ;

Transferred by deed to

7. Charles F. Kluge, of Salem, N. C.,
1844—April 10th, 1853:

Transferred by deed to

8. Emil A. de Schweinitz, of Salem,
1853—December 1st, 1877:

Transferred by deed to

9. The Board of Provincial Elders of the
Southern Province of the Moravian
Church.

The Administrators of the Southern
Province during the same years were:

1. Frederick William Marshall, 1763—
1802;
2. Christian Lewis Benzien, 1802—1811;
3. Lewis David von Schweinitz, 1812—
1821;
4. Theodore Shultz, 1821—1844;
5. Charles F. Kluge, 1844—1853;
6. Emil A. de Schweinitz, 1853—1877.

The transfer of title to the Board of
Provincial Elders was accompanied by
an actual purchase of the property
involved, and by it both the Proprietor-
ship and the Administration came to an
end.

CHAPTER V.

KERNERSVILLE, FRIEDBERG, FRIED- LAND, HOPE.

About the time that Salem was established in the centre of the Wachovia Tract, several other towns sprang up near the borders of what was to be Forsyth County:

Kernersville, the largest of these, was not originally laid out as a town, but grew gradually to such a size. About 1756 or 1760, Caleb Story, a native of Ireland, bought 460 acres of land, about 12 miles east of Salem, near the Guilford County line. Tradition says he paid for it with 4 gallons of rum. This tract he sold to a certain Dobson, and from this the place came to be called "*Dobson's Cross Roads*," a name it retained for many years.

Mr. Dobson sold the 400 acres to Gottlieb Shober, of Salem, who sold it, in 1817, to Joseph Kerner, a German by birth, but then living near Friedland. During the succeeding years Kerner bought more land in the neighborhood, and at his death, in 1830, left 1100 acres to be divided between his three heirs. Of these, John F. received the portion to the west of what is now Main Street; Phillip took the homestead, and the land to the east, and the daughter, Salome, who had married Appolis Harmon, had a share to the south. In the course of time, a thriving town grew up, some of the land being sold to new settlers, the rest remaining with the branches of the Kerner family: and, in 1869, *Kernersville* was incorporated, and Joseph Armfield was elected the first Mayor.

Friedberg, on the lower edge of the county, had a similar small beginning. In August, 1754, Adam Spach, a native of Pfaffenheim, Alsace, settled about three miles south of the Wachovia line.

He speedily made the acquaintance of the Moravians, taking refuge at Bethabara during the Indian War, and afterwards urging the Brethren to come and hold services at his home. This was done, at intervals, until 1766, and meanwhile several families from Pennsylvania had settled in the neighborhood.

Then the church authorities at Salem set apart some 34 acres near the southern boundary of Wachovia for the use of the new congregation, adding to them 77 acres, across the line, bought from Adam Spach. Part of the 77 acres was afterwards sold or exchanged, but the Friedberg Church Land is still divided by the county line.

In 1773, about 81 acres in the neighborhood were purchased for the purpose of building a schoolhouse thereon; this tract was resold at a later time.

The first meeting-house of the Friedberg Congregation was consecrated on March 11th, 1769; Rev. L. G. Bachoff becoming their first resident minister on

February 18th, 1770. In January, 1772, "the Friedberg Congregation of the Unitas Fratrum" was formally established; and on February 19th, 1786, the corner-stone was laid for a larger church, which was consecrated May 12th, 1788, and served until 1827, when the present church was built.

The settlement at *Friedland*, near the eastern line of the Wachovia survey, was begun in a different manner.

In 1769 six German families arrived in Wachovia. They were part of a company of emigrants from the Palatinate and Wurtemberg, who, about 1738, had settled near Broad Bay, in Maine. There they became acquainted with one of the Moravian Brethren, and wished to establish a congregation, but there were legal difficulties concerning their title deeds, so they resolved to move to North Carolina. Having been shipwrecked on the coast of Virginia, they came by way of Wilmington, and arrived in Wachovia, poor, wayworn, and many of them in ill

health. They were given temporary homes in Bethabara and Salem, and the next year were joined by eight more families. As they did not wish to remain in Salem, 1,800 acres of the Unity's land were sold to them, the Administration reserving 30 acres in the center of the tract for a church and school-house. In February, 1772, the corner-stone of the church was laid, the building was consecrated on February 18th, 1775, with Rev. Tycho Nissen as the first pastor, and the "Friendland Congregation" was formally recognized in September, 1780.

The first English congregation in Wachovia was *Hope*, in the southwestern corner of the tract. Several settlers in that quarter had enjoyed the protection of the "Dutch Fort" during the Indian War, and had afterward joined the congregation at Friedberg; but that was purely German, and they desired an English-speaking church of their own. Meetings had been held for them as early

as 1758; and in 1775—several English families from Carrol's Manor, Maryland, and elsewhere, having located in that section of Wachovia—a church was begun, which was consecrated March 28th, 1780: and Rev. John Christian Fritz was placed in charge of the little company which was, on the 28th of August, fully constituted a congregation of the Brethren's Church. The burial ground was laid out during the same year.

CHAPTER VI.

THE COURT HOUSE TRACT.

In January, 1849, as has been already stated, the Legislature of North Carolina divided the County of Stokes into two parts, *Stokes* and *Forsyth*, and appointed five Commissioners for each of the counties. The first duty of these Commissioners was to select and purchase the site for the Court House and other public buildings. This created a great deal of discussion, for as Salem lay almost in the center of Forsyth, it seemed necessary to choose land in that neighborhood for the county town.

The Commissioners applied to the *Aufseher Collegium* of the Salem Congregation for some 31 acres of land, north of the town, but they refused to decide so weighty a question, and referred the

matter to the *Gemeinrath*, or Congregation Council. Then the debate waxed warm. A new town would spring up, new settlers would come in, their views would conflict with those of the Brethren, Moravian rules and ways would be disturbed, perhaps destroyed—so said the conservative element, and wished to keep the Court House as far away as possible; while the progressive party thought the new settlers would give new life to the community, and that, if the new town was brought near Salem, the disturbing features would adjust themselves.

The Congregation Council, held February 5th, 1849, agreed to sell 31 acres to the Commissioners, the southern line to come no nearer Salem than the northern side of the lot held under lease by Mr. Thos. J. Wilson [now the Hanes House]. In March, further conditions were made that the Court House should be in the centre of the tract, and the new streets should be continuations of those in

Salem; and the price was fixed at \$5.00 an acre, the same amount that the Administrator was getting for land sold in the vicinity. The Congregation Council met again on the 10th of April, and by a vote of 59 to 9 authorized the *Aufseher Collegium* to sell 50 or 51 acres to the Commissioners, the line, to be moved further south [to the present line], and therefore nearer Salem.

The Commissioners were requested to build the Court House on a knoll a little north of Mr. Wilson's, and agreed to do so, and the plan for the future town was decided upon. The minority then withdrew their objections, and the vote of the Council was made unanimous. On the 12th of May, 1849, Charles F. Kluge, Proprietor and Administrator, gave a deed for 51½ acres of Salem Land to the Commissioners of Forsyth County.

The deed to the land for the Forsyth Court House read as follows:

"Whereas the General Assembly of N. C. did at its last Session pass an act to divide the County of Stokes into two distinct Counties,

and another supplemental thereto, and in said Act appoint 5 Commissioners to select a site for the erection of the public buildings of Forsythe Co. purchase land for the purpose, lay off and sell town lots and so forth; and whereas said Commissioners have applied to me Charles F. Kluge of the County of Forsythe and State of N. C. for a tract of land adjoining the town of Salem, on which to erect said buildings, I have agreed to sell to them, or as the said Act requires to the Chairman of the County Court, the desired tract of land on the following conditions: to wit: that said Chairman as soon as required to do so by the parties interested do make a deed in fee to the School Committee of the district including the town of Salem, for the lot on which the public schoolhouse now stands and marked No. 1 on the appended plot, which lot is to be used as a public school lot, and further do make a deed in fee simple to Thos. J. Wilson for the lot on which he now lives, being lot No. 45 on the appended plot, said Wilson paying a reasonable and moderate price for the same, which is to be paid one half to said Chairman and one half to me Charles F. Kluge. Therefore

"This Indenture witnesseth that I Charles F. Kluge of said County and State have bargained and sold, and by these presents do bargain and sell in consideration of the above agreement and further in consideration of the Sum of Two hundred and fifty-six and one quarter Dollars secured to me this day by a

bond given by Fr. Fries Chairman of the County Court of Forsythe Co. unto said Francis Fries Chairman as aforesaid and his successors forever. all that tract or parcel of land situate lying and being in the Co. of Forsythe State of N. C. and adjoining the town of Salem or rather being a part thereof, Beginning at a Stake the South East Corner of said tract running North 10° West 41 poles and 21 links to a Stake, thence North $8\frac{1}{2}^{\circ}$ West 110 poles and 9 links to a Stone, thence South $81\frac{1}{4}^{\circ}$ West 13 poles and 20 links to a Stone, thence North $8\frac{1}{2}^{\circ}$ West 28 poles and 10 links to a Stake in the Salem town line, thence along said line South 85° West 33 poles and 5 links to a Stake in V. Zevely's line, thence South $8\frac{1}{2}^{\circ}$ East 143 poles and 20 links to a Stake, South 10° East 41 poles and 21 links to a Stake, thence North 80° East 47 poles and 4 links to the Beginning. Containing 51 $\frac{1}{2}$ acres. more or less.

" To have and to hold unto the said Francis Fries Chairman as aforesaid and his Successors for the purposes herein before stated and as set forth in the Act of the General Assembly as first above mentioned.

" And I do further promise forever to warrant and defend the title of the above tract of land unto the said F. Fries Chairman as aforesaid and his Successors against the Claim or Claims of all and every other person or persons whatsoever.

" In witness whereof I Charles F. Kluge do

hereunto set my hand and affix my Seal this twelfth day of May in the year of our Lord One thousand eight hundred and forty-nine.

CHARLES F. KLUGE."

F. C. MEINUNG.

S. THOS. PFOHL.

Although the deed to the Forsyth Commissioners was made by Charles F. Kluge, the Administrator of the Unity, the land was really owned by the Salem Congregation. "In 1771 *Salem Congregation Diacony*, or that financial Institution, from the proceeds of which the congregation at Salem was to be maintained as a Moravian congregation, was established. The Diacony assumed all the liabilities incurred in the erection of buildings in Salem, and a tract of land originally containing 3,159 Acres was granted to it, under lease, for a fixed annual rent." At first this annual rent was £69:5:5, equal to \$335.26, about 10½c per acre, but some of the land was sold, and the annual rent decreased, and in 1826 the Salem Diacony held 2,455 acres, paying \$143.77½, or about 6c. per acre.

In 1826 this lease was determined, and the tract was sold to the Salem Congregation Diacony for \$2,795.62½, or \$1.12½ per acre. This amount was paid off gradually, the last payment being made in April, 1849, by part of the purchase money of the Court House Tract. But the title could not be transferred to the Salem Diacony because that was not a corporate body, and one condition of the sale was that "the legal title was to remain in the Proprietor." Therefore the deed to the Court House Tract was given by Chas. F. Kluge, then Proprietor of Wachovia as well as Administrator.

In the course of time it became evident that the lease system—under which no one could own, and only members of the Moravian Church could lease houses in Salem—was no longer advantageous: and as the purchase of the "Salem Land" had made it no longer a necessity, the Congregation Council of November 17th, 1856, abolished it as the unvarying rule, although members who desired might

continue to hold their property in that manner.

In January, 1874, the General Assembly of North Carolina enacted—

“That the members of the Congregation of United Brethren, commonly called Moravians, of the town of Salem and its vicinity, be, and the same are hereby created and erected into one body politic and corporate in deed and in law, by the name, style and title of *The Congregation of United Brethren of Salem and its vicinity;*”

and on July 10th, 1874, Emil A. de Schweinitz, then Proprietor, transferred to it the fee simple title to the remaining Salem Land, the Church and Academy property alone excepted.

The rest of the Moravian lands in North Carolina remained in the hands of the Unity for several years more. In 1771 the Wachovia Sustentation Diacony was established. While the Salem Congregation Diacony concerned itself with the affairs of the Salem Congregation, this Diacony cared for the finances for the general work of the Church in the Southern Province. During the suc-

ceeding years the proceeds from the store at Bethabara, and several trades carried on there, furnished revenue enough; but as expenses increased, even with the aid of contributions from various sources, the Wachovia Sustentation Diacony found difficulty in raising the necessary funds, and finally became deeply indebted to the Administrator in Wachovia. This debt was canceled by returning to the Unity certain lands which had been set apart for this Diacony.

The General Synod, which met in Herrnhut, Germany, in 1857, decided to divide among the Provinces certain funds then in hand, and the share of the Southern Province put the Wachovia Sustentation Diacony on a comfortable footing again. The business of the Wachovia Sustentation Diacony was in the hands of "*The Board of Provincial Elders of the Southern Province of the Moravian Church or Unitas Fratrum.*" and in January, 1877, this Board was incorporated.

In December, 1877, the Provincial

Elders' Conference purchased from the Unity all the land in the Southern Province still belonging to the general Board of the Unitas Fratrum, paying for it the sum of \$43,472.57, about \$12,000 cash down, and the rest in annual instalments, the last payment being made in November, 1886. The deed from the Unity to the Provincial Elders' Conference was made December 1st, 1877.

The plan for the new Court House Town, as suggested by the Commissioners and approved by the Salem Congregation Council, consisted of 71 lots, exclusive of the Court House Square. These were included between what are now known as Church Street and Trade Street (which then began at the Salem line) as far north as Sixth Street, and between Main and Trade Streets to Seventh Street.

Of these lots, as already stated, Mr. Thos. J. Wilson held No. 45 under lease from the Salem Congregation, and No. 1 was reserved for the Public School; the

rest were sold at auction, the first sale being held May 12th, 1849. The terms offered were: "A credit of one and two years, the purchaser securing the amount of his bid by an approved bond, and title in fee simple to be made as soon as the purchase money shall have been paid." The first purchaser was Robert Gray, who bought Lot No. 41 (the Wachovia National Bank corner) for \$465.00. This was the highest price paid, the sums ranging from this to \$46.00 for the lot next the School House. All the lots south of Fourth Street, and five above it, were sold at this time, and aggregated \$6,712.25.

June 22d, 1849, a second sale was made, and the remaining lots were sold at prices from \$35.00 to \$170.00, five lots being reserved for the jail and other purposes, so that with one or two additional transactions the total receipts from the sale of the lots were \$8,833.50.

On June 20th, 1849, the County Court appropriated \$9,000.00 to the building

of a Court House and Jail. In September they ordered "that Thos. J. Wilson and C. L. Banner be appointed Commissioners to have the streets on the site of the new Court House cleaned out on the best terms they can, and to make such contracts and regulations for the same as they may deem to the best interest of Forsyth Co.," and in December Darins H. Starbuck was added to the Committee. At the latter term there were opened as Public Highways "one road to lead from the location of the Court House, west, to intersect the Shallowford road at the top of Atwood's Hill, not far from the corner of Wm. Fries' field," and "one other road from the said location of the Court House to intersect the Belew's Creek road in a South-east direction from said location." It was likewise ordered "that the new Main and Cross streets lately laid out at the location of the Court House in Salem, be viewed and made Public Highways according to law."

On March 18th, 1850, the Commissioners appointed by the Legislature were authorized to "proceed to take into their possession the bonds and debts due or hereafter to become due for the lots, and pay over the proceeds to those with whom they may have contracted in the erection of the Public Buildings and for other necessary expenses."

In September Thos. J. Wilson and F. L. Gorrel were appointed Commissioners "to have a suitable enclosure put around the Court House, 200 feet square, and to have the trees in said Square trimmed and topped." The fence was to be made "of good sawed white or post Oak posts and plank 4 or 5 inches wide, to be dressed and nailed to the posts and painted, provided the Committee think that they can have the work done at a moderate price."

In September, 1849, it was ordered by the Court that F. C. Meinung, Michael Hauser and Matthew Crews, who had been Wardens of the Poor for Forsyth County while it was still a part of Stokes,

should continue to act in that capacity, and should associate with themselves as many others as the law required, to hold office until the regular election in March. In December, F. C. Meinung, C. L. Banner and Michael Hauser were appointed a Committee to select a site for a Poor House, and in March, 1850, they were empowered to buy land and proceed with the building.

The tract selected contained about 90 acres, lying "on Waters of Brushy Fork, Middle Fork of Muddy Creek, and on both sides of the road leading to German-ton." and was about three and a half miles northeast of the Court House. On May 1st, 1850, it was bought for \$270.00 from Chas. F. Kluge, the Administrator of the Unity in Wachovia; the deed was probated in 1852 at the March term of Court. In order to obtain funds for buying the land and for necessary buildings the Court, in June, 1850, authorized the Committee to borrow \$1,000.00, which the County of Forsyth pledged itself to repay.

CHAPTER VII.

NAMING THE COUNTY TOWN.

Up to this time the new County Town had possessed no separate name, and there was much difference of opinion as to what it should be. In the Court of Pleas and Quarter Sessions, on June 17th, 1850, an attempt was made to have it settled by a vote of the people, and the motion is recorded in full in the Minutes, as follows :

" Whereas in the supplemental act of the last General Assembly dividing the County of Stokes there was no name given nor any way pointed out by which a name should be given the County Seat of Forsyth County: And whereas the Commissioners of said County having located the County Seat and Public Buildings immediately adjoining the Town of Salem (and some of its citizens having since built to an adjoining lot of the Court House Tract) it was believed by the Committee, or a majority of them, that it was unnecessary to

give the County Seat of Forsyth County any other name than *Salem*, and so sold the lots and have made deeds under that name:

"And whereas of late it appears that the name of Salem for the County Seat of Forsyth has given a good deal of dissatisfaction to the people in some portions of the County, and as the Courts of said County will be, in a few months, held at the new Court House, it is necessary that the said Court House should have a permanent name to which process should be returned:

"And whereas this Court believing that as no provision has been made by the Legislature for a name, and also believing that a majority of the people may legally and properly give the name: It is therefore ordered by the Court that the Sheriff of Forsyth County hold an election in said County on the first day of August next for that purpose, and that the Judges of the Sheriff's election receive the votes for the name, and that the name receiving the greatest number of votes be declared the name of the Court House of Forsyth County."

But the motion to name the new Court House Town by a popular vote having been lost, the matter rested until the following session of the Legislature, when Col. Henry Marshall, from near Salem Chapel, introduced a Bill, and an

Act was passed, "giving a name to the county town of Forsyth county, and for other purposes." This Act, which was ratified January 13th. 1851, read thus:

"Sec. 1. Be it enacted by the General Assembly of the State of N. C. and it is hereby enacted by the authority of the same, That hereafter the county town of Forsyth county shall be styled and known by the name of *Winston*."

The name appears for the first time in the County Records on March 17th. 1851, when Court was "opened and held at the Court House in the town of Winston."

Winston was named in honor of Major Joseph Winston, a prominent North Carolinian during Revolutionary days. He was of English ancestry, and was born in Louisa Co., Va., June 17th, 1746. Having received a fair education, he, at the age of seventeen, joined a company of rangers, and had several encounters with hostile Indians. In one of these, the rangers fell into an ambuscade and were completely routed. Winston was

twice wounded, but made his escape, and was carried on a comrade's back for three days, until they reached a frontier cabin. In 1766 he moved to Surry Co., N. C., and settled near Germanton. In 1775 he was a member of the Hillsboro Convention, and was made 2d Major of the Surry County Militia. The next year he became ranger of Surry County, and 1st Major of Militia, and served against the Scotch Tories and the Cherokees. In 1777 he was a member of the Legislature, and, with Waighstill Avery, Wm. Harper and Robert Lanier, was commissioned by Gov. Caswell to treat with the Indians, the result being that lands in North Carolina and Virginia were ceded to those States. At the battle of King's Mountain, October 7th, 1780, Major Winston and his men from Surry and Wilkes led the right wing of the little army, and formed the north-eastern section of the circle that closed in, crushed Ferguson and his British troops, and began the victory which was completed

at Yorktown. For his services on that day the Legislature afterwards presented him with a sword. Having defeated a band of loyalists in a running fight in February, 1781, he took part in the battle of Guilford Court House in March. Major Winston represented Surry County in the State Senate for three terms, and when Stokes County was formed became the first Senator from that county, serving five times between 1790 and 1812. In 1793-'95, and again in 1803-'7, he was a member of Congress. He died near Germantown, April 21st, 1815.

CHAPTER VIII.

FORSYTH COUNTY COURTS.

Until the Winston Court House could be built, the Forsyth Courts were held in the Concert Hall in Salem, the church authorities having given their permission on condition that no whipping post should be put up there. The appointments of the Hall were very primitive, as appears from an order to the Sheriff to "let out to the lowest bidder on Saturday next the furnishing of sawdust, candles, etc., for the Court at the Town Hall in Salem, at so much per Court," but it answered every purpose for the time being.

"The Act supplemental to an Act to divide the County of Stokes into two distinct Counties" provided that all Justices of the Peace and County Officials

should serve out their terms of office in the counties in which they lived, the gaps made by this division to be filled by appointment of the Court of Pleas and Quarter Sessions at its first meeting, those so appointed to hold office until the annual election.

On March 19th, 1849, sixteen "Gentlemen Justices, appointed and commissioned by the Governor of the State," met in the Salem Concert Hall, and took the several oaths of office. They then elected for the ensuing year—

Sheriff—Wm. Flynt,

Clerk of the Court—Andrew J. Stafford,

County Attorney—Thos. J. Wilson,

Register of Deeds—F. C. Meinung,

County Trustee—Geo. Linville,

Coroner—John H. White,

Standard Keeper—Abraham Steiner.

All of the Justices of the Peace were entitled to sit in the Court of Pleas and Quarter Sessions, which not only attended to the affairs of the county, but tried

minor civil and criminal cases, but the law provided that, if they wished, the Justices might annually elect a chairman and several members who should constitute a Special Court, holding the Court of Pleas and Quarter Sessions on the third Monday in March, June, September and December.

On March 20th, therefore, the Justices elected as the Special Court—

Francis Fries, Chairman.

Philip Barrow,

Andrew M. Gamble,

John Reich.

Jesse A. Waugh.

The Finance Committee consisted of—

C. L. Banner,

Israel G. Lash,

Francis Fries.

The members of the Special Court were each allowed \$1.50 per day while in session, and the Finance Committee the same for such time as was needed for their official duties. The county taxes were ordered thus:

County tax, 60c. poll, 10c. per \$100.00 real estate.					
Poor tax, 24 $\frac{1}{2}$ "	5 $\frac{1}{2}$ "	"	"	"	"
School tax, 15 "	7 $\frac{1}{2}$ "	"	"	"	"

Total, 99 $\frac{1}{2}$ c. p'l. 32 $\frac{1}{2}$ c. per \$100.00 real est.

The Superior Court and a Court of Equity met twice a year, on the second Monday after the fourth Monday in March and September, the first Judge presiding in Forsyth being John M. Dick.

The first case of any interest was tried in October, 1850, before Judge Mathias E. Manly, Adam Crooks and Jesse McBride being indicted for circulating literature inciting the negro slaves to rebellion. Crooks was found "not guilty" in the particular instance selected for trial, but McBride was sentenced to be imprisoned one year, stand in the pillory one hour, and receive twenty lashes. He appealed to the Supreme Court, giving bond for \$1,000.00, and ran away before getting a new trial.

In April, 1851, the Superior Court was held in the new Court House in

Winston, Judge J. L. Baily presiding. During this term Edmund Martin, a free negro, accused of stealing a slave, was condemned to death; but having appealed to the Supreme Court, he was granted a new trial, and was acquitted.

The first execution ordered by a Forsyth Court took place in November, 1852, when Charles, a slave, the property of W. J. McElroy, was hanged for murder, having been convicted in October of that year.

In March, 1850, C. L. Banner was elected chairman of the Court of Pleas and Quarter Sessions.

The Minute Docket of that Court, under date of December 16th, 1850, contains an account of the opening of the new Court House :

"On motion it was resolved that the Court adjourn to meet again at 1 o'clock P. M. at the new Court House, the fact having been ascertained that said building was in sufficient state of preparation for the Sessions of the Court to be held therein." "Court met agreeably to adjournment. Present, C. L. Banner, John Butner, Caleb H. Matthews, H. R. Lehman.

—M (61)—

1890-1891
1891-1892
1892-1893
1893-1894

1894-1895
1895-1896
1896-1897
1897-1898

1898-1899
1899-1900
1900-1901
1901-1902

1902-1903
1903-1904
1904-1905
1905-1906

1906-1907
1907-1908
1908-1909
1909-1910

1910-1911
1911-1912
1912-1913
1913-1914

1914-1915
1915-1916
1916-1917
1917-1918

1918-1919
1919-1920
1920-1921
1921-1922

1922-1923
1923-1924
1924-1925
1925-1926

1926-1927
1927-1928
1928-1929
1929-1930

1930-1931
1931-1932
1932-1933
1933-1934

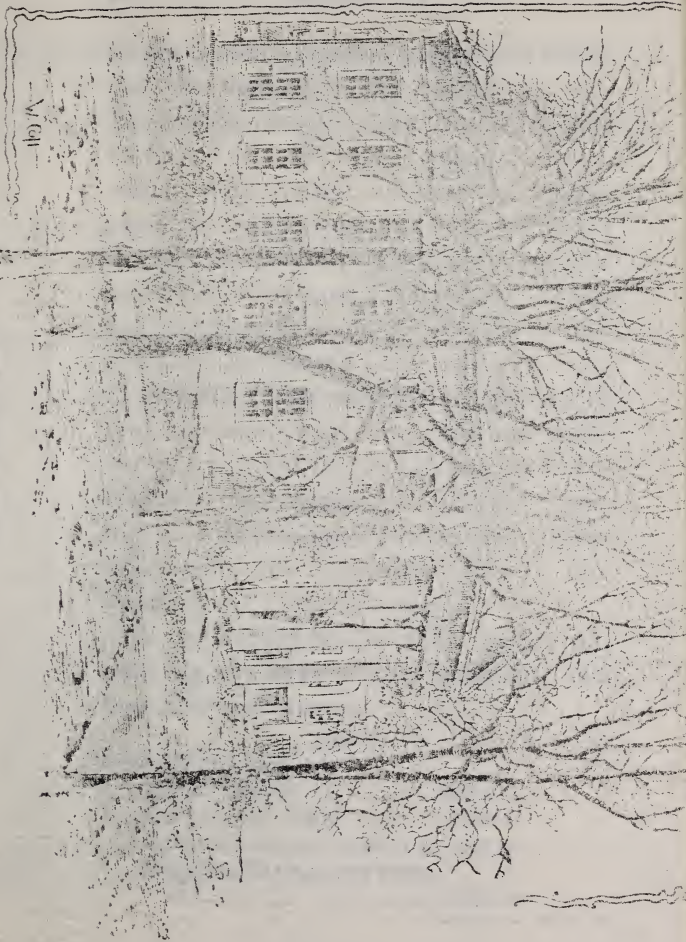
1934-1935
1935-1936
1936-1937
1937-1938

After the singing of a hymn, the Rev. Michael Doub delivered a prayer to Almighty God, that whatever might be transacted within the walls of this building might tend to the propagation of Justice, and the promotion of morality and Religion. On motion it was ordered by the Court that ministers of the Gospel of all respectable denominations be permitted to preach in the Court House; and that the person for the time having the care and custody of the Court House is hereby directed to hand over the keys to any one calling for them for the purpose aforesaid. Provided, however, that the license shall not be so construed as to include the denomination called the 'True Wesleyans.' "

The Court House, so auspiciously opened, was a two story brick building, 44x60 feet, standing with its gable end fronting the south. The portico, 12 feet wide, stretched across the entire front, the roof being supported by four large pillars, each 30 feet high. In the vestibule, stairways on the right and left led to the second floor, which was devoted to the Court Room. The first story had a corridor running from south to north, with three rooms on each side, the northwest room being occupied by the Clerk

—M. C. H.—

FIRST COURT HOUSE.



of the Court, while the Register of Deeds had the north-east, the Sheriff the middle, and the Grand Jury the south-east room. This left two vacant rooms, which were rented as lawyers' offices, until the south-west one was taken for the County Board of Education, and the middle west became a store room. Later, the partition between the store room and Clerk of the Court's office was torn away to give the Clerk more place; the Sheriff took the south-west room, and the retiring Sheriff used the middle east until his business was completed. The petit jury had no place assigned, but met in whichever room was convenient, and in fine weather out under the trees.

A memorandum is still preserved, showing the cost of the buildings and how this cost was met:

	DEBIT.	\$	c.
Cost of Buildings, etc.—			
Brick, lumber.....	\$4284	53	
Carpenters' work.....	1752	36	
Brick laying and plaster'g,	1023	80	
Digging, glazing, iron work,			
etc.....	1778	90	
			8829 59

FORSYTH COUNTY.

79

Court House Well.....	42 23
Discount on Cash payment for Lots.....	60 56
Interest on money advanced by F. Fries	48 00
Interest on money borrowed.....	63 00
	<hr/>
	\$9083 23

CREDIT.	Dr	Cr
1870		
Jan 1		
Feb 1		
Mar 1		
Apr 1		
May 1		
Jun 1		
Jul 1		
Aug 1		
Sep 1		
Oct 1		
Nov 1		
Dec 1		
1871		
Jan 1		
Feb 1		
Mar 1		
Apr 1		
May 1		
Jun 1		
Jul 1		
Aug 1		
Sep 1		
Oct 1		
Nov 1		
Dec 1		
1872		
Jan 1		
Feb 1		
Mar 1		
Apr 1		
May 1		
Jun 1		
Jul 1		
Aug 1		
Sep 1		
Oct 1		
Nov 1		
Dec 1		
1873		
Jan 1		
Feb 1		
Mar 1		
Apr 1		
May 1		
Jun 1		
Jul 1		
Aug 1		
Sep 1		
Oct 1		
Nov 1		
Dec 1		
1874		
Jan 1		
Feb 1		
Mar 1		
Apr 1		
May 1		
Jun 1		
Jul 1		
Aug 1		
Sep 1		
Oct 1		
Nov 1		
Dec 1		
1875		
Jan 1		
Feb 1		
Mar 1		
Apr 1		
May 1		
Jun 1		
Jul 1		
Aug 1		
Sep 1		
Oct 1		
Nov 1		
Dec 1		
1876		
Jan 1		
Feb 1		
Mar 1		
Apr 1		
May 1		
Jun 1		
Jul 1		
Aug 1		
Sep 1		
Oct 1		
Nov 1		
Dec 1		
1877		
Jan 1		
Feb 1		
Mar 1		
Apr 1		
May 1		
Jun 1		
Jul 1		
Aug 1		
Sep 1		
Oct 1		
Nov 1		
Dec 1		
1878		
Jan 1		
Feb 1		
Mar 1		
Apr 1		
May 1		
Jun 1		
Jul 1		
Aug 1		
Sep 1		
Oct 1		
Nov 1		
Dec 1		
1879		
Jan 1		
Feb 1		
Mar 1		
Apr 1		
May 1		
Jun 1		
Jul 1		
Aug 1		
Sep 1		
Oct 1		
Nov 1		
Dec 1		
1880		
Jan 1		
Feb 1		
Mar 1		
Apr 1		
May 1		
Jun 1		
Jul 1		
Aug 1		
Sep 1		
Oct 1		
Nov 1		
Dec 1		
1881		
Jan 1		
Feb 1		
Mar 1		
Apr 1		
May 1		
Jun 1		
Jul 1		
Aug 1		
Sep 1		
Oct 1		
Nov 1		
Dec 1		

Sale of Lots—1st Sale.....	\$5712 25
2d " 	2021 75
Additional.....	99 50
	<hr/> 8833 50
Interest on time payments on Lots.....	136 64
Deducted from cost of Buildings.....	10 00
Balance to be paid by the Co. Treas.	103 24
	<hr/> \$9083 38

With the \$256.25, the amount paid for the land for the County Town, the Court House site and building really cost the County just \$359.49.

Having entered into possession of its new quarters, the Court authorized Francis Fries to purchase a bell, weighing about 300 pounds, and have it hung in the Court House cupola; desired the building Commissioners to have lightning rods put on the Court House and Jail, and a ball and vane affixed to the rod above the cupola on the Court House;

and appointed C. L. Banner to superintend the construction of suitable shelves for the use of the Clerks of the County and Superior Courts.

March 17th, 1851. Court was "opened and held at the Court House in *Winstan,*" and payment made for the temporary meeting place in Salem, \$50.00 being allowed for the Concert Hall, and \$22.00 for a Grand Jury Room in Mr. James Hall's house. The Sheriff was ordered to "procure a carpet to cover the floor of the Court Room on the most reasonable terms, said carpet within the Bar to be Store Carpet, and without the Bar home-made." He was also "to let the keeping of the Court House to the lowest bidder on Saturday of each March Court," the contractor to see that the building and Square were kept in good condition, rooms, hall and stairs dusted during Court week, and candles and wood furnished when needed. The keys were left with the Clerk of the County Court.

The Court of Pleas and Quarter Sessions continued to meet until the upheaval and reconstruction of 1868, when it was abolished by the new Constitution, the government of county affairs being vested in the Board of County Commissioners, and the judicial functions reverting to the Superior Court.

In 1877 a Court "inferior to the Superior Court" was established in Forsyth, for the trial of criminal actions. It was held by three men chosen by the Justices of the Peace from the body of the county, and they, in their turn, elected one of their number as Presiding Justice. The Inferior Courts continued to be held until 1885, when they were abolished, all cases being transferred to the Superior Court.

CHAPTER IX.

COUNTY MILITIA.

The breaking out of the Civil War, and the reconstruction following those troubled years, brought various other changes into the county. The first of these was the crumbling of the old system of County Militia, which had originally been a necessity for the protection of the settlement, but had grown weak and formal during many years of purely nominal service, and was discarded in the face of active warfare.

The Lords Proprietors of Carolina saw the needs that might arise during the early years of that province, and secured provision for them in the Charter granted them by Charles I.

“ And because that in so remote a country, and scituate among so many barbarous nations, and the invasions as well of salvages as

of other enemies, pirates and robbers, may probably be feared: therefore we have given and do give power unto the said Edward, Earl of Clarendon, etc., by themselves, or their captains, or other their officers, to levy, muster and train all sorts of men of what condition or wheresoever born, in the said province for the time being, and make war, and pursue the enemies aforesaid."

The Militia was therefore organized throughout the colony, new companies being formed as the settlements extended, the enrollment including all able-bodied men between the ages of eighteen and forty-five. It did efficient work during the trouble with the Indians, and in the Revolutionary War was the main defense of North Carolina against the invasions of Lord Cornwallis, her regulars having been taken prisoners at the fall of Charleston. More than 5,000 of the North Carolina Militia were sent to help the South Carolinians in their futile attempt to beat back the British troops: and when, flushed with conquest, Cornwallis thought to crush North Carolina also, he found himself in "a nest of hor-

nets," harrassed by the Militia, who time and again cut off portions of his army, until the disillusioned General was forced to beat a retreat.

Most unfortunately the army registers do not contain the names of any of the volunteer troops or Militia, and as the latter were called out in detachments, usually to serve a three months' "tour," and then disband, it is impossible to follow with accuracy the companies raised in any locality.

The victory at King's Mountain was won by volunteers from among the Militia of the western part of the State, and into this battle Major Joseph Winston led a body of men from Surry County, among them being Henry Grieger, of the north-western portion of what is now Forsyth. No doubt family tradition preserves the names of many other patriots who shared in that fierce, decisive engagement, and it is to be hoped that they will yet be placed on the honor roll of history.

In 1781, General William Lee Davidson called out a detachment of Militia from the Salisbury and Morganton Districts (which included the Muddy Creek regions), and they helped defend the fords of the Catawba against Cornwallis, and about the middle of February, under command of Gen. Andrew Pickens, passed through Salem on their way to the short but fierce campaign which preceded the battle of Guilford Court House, fought on March 15th, 1781. Pickens' command was not in that engagement, for their time was up, and they had disbanded; but on the 23th of February, Maj. Winston joined Green's army with a detachment of 100 men, and "these riflemen of Surry were the very last to leave the field" on which was given that "fatal wound to royal authority from which it lingered and lingering died, on the 19th day of October, 1781," at Yorktown.

After the Revolutionary War, the Militia became less necessary for the pro-

tection of the country, but the organization was continued. In 1831 the "Second Regiment of Stokes County Militia" was commanded by Col. Joseph W. Winston, son of Major Joseph Winston.

The following year a committee of five was appointed "to regulate the lines between each Captain's company," and, later, it was "ordered by the Court Marchiel that the Judge advocate shall furnish Every Captain In the South Ridgement With A Copy of the Destricks or baunds to which he belongs or Commands by next Drill at Salem In May 1834 which was done by the Judge advocate on the 2 day of May 1834." These Captains' Districts, nine in number, could hardly be considered as the predecessors of the townships, although they occupied to some extent the same localities as the townships which were formed after the war. They were simply divisions of the land, apportioning a number of men to each Captain's Company, the lines running as seemed convenient along

roads, by streams, around plantations and down lanes. The boundaries were frequently altered and new districts formed, there being 17 in January, 1862, with about 1,635 men enrolled.

The Legislature of 1848-1849 enacted that all men between 35 and 45, while remaining liable to duty in case of war, might secure certificates freeing them from drills, etc., in times of peace. There were usually two General Musters a year, the first being in April or May, the second in October or November. Soldiers were fined for non-attendance by their Company Court Martials, with right of appeal to the Regimental Court Martial. The General Musters were held in Salem in 1831, '32 and '34; in Germantown in 1833 and '35; in Salem in 1836; in Bethabara from 1837-'43; in Liberty from 1844-'47; in Salem from 1848-'50, and were removed permanently to Winston in 1851. The officers of each company were elected annually, all the companies voting for the field officers.

The Colonels Commandant between 1831 and 1862 were—

Col. Ziglar,
Col. John Flynt,
Col. J. A. Stafford,
Col. M. Masten,
Col. J. W. Alspaugh,
Col. Joseph Masten.

When Stokes County was divided, the Second or South Regiment of Stokes County Militia became the *Forsyth County Militia*, the *68th Regiment of North Carolina Militia*, which was later changed to the *71st Regiment, North Carolina Militia*. The Forsyth County Militia, as such, was not called out during the war, and Militia elsewhere in the State only rarely, and for a short time. After the war there was an attempt to reorganize the Militia, but its place was ultimately taken by the volunteer companies composing the State Guard.

CHAPTER X.

FORSYTH AND THE CIVIL WAR.

On December 20th, 1860, after many years of sectional misunderstanding in the country at large, where political jealousies had fanned a flame that various compromises had temporarily allayed but could not quench, the State of South Carolina seceded from the Union, believing that a "Sovereign State" should peacefully withdraw from a union in which it no longer found just treatment or advantage. Mississippi, Florida, Alabama, Georgia, Louisiana and Texas quickly followed, and on February 18th, 1862, Jefferson Davis, of Mississippi, was inaugurated President of the *Confederate States of America*.

No one knew what stand the North would take, so, for the security of the

new government, the Confederate Congress, on the 28th of February, authorized the President

"to receive into the service of this Government such forces now in the service of said States (Confederate) as may be tendered, or who may volunteer by consent of their State in such numbers as he may require, for any time not less than twelve months unless sooner discharged."

Again, on March 6th, "in order to provide speedily forces to repel invasion," the President was authorized to employ the Militia, and ask for and accept the services of any number of volunteers, not exceeding 100,000.

On March 4th, Abraham Lincoln was inaugurated President of the United States, and on April 15th, he issued a proclamation calling for 75,000 men to suppress "combinations" in the seven seceding States, by which the execution of the laws of the United States were being obstructed. Six of the border States refused this demand on their Militia in no measured terms. Governor Ellis, of North Carolina, writing—

"Your dispatch received, and, if genuine, which its extraordinary character leads me to doubt, I have to say, in reply, that I regard the levy of troops made by the Administration for the purpose of subjugating the States of the South as in violation of the Constitution, and a usurpation of power. I can be no party to this wicked violation of the laws of the country, and to this war upon the liberties of a free people. You can get no troops from North Carolina."

Two days after the appearance of the Proclamation, Virginia withdrew from the Union, North Carolina followed on the 21st of May, and, with Tennessee and Arkansas, joined the Confederate States.

In the organization of the army it was the intention that the troops sent by the various States should come in companies, or, if sufficiently numerous, in regiments, commanded by their own officers, the general officers to be appointed by the government.

At first, this was not always done, and a good deal of complaint was made, but later the companies for each regiment, and even each brigade, were from the

same State, and commanded by officers from that State.

During 1861 there were as many volunteers as the Confederate Government could arm, but by the close of that year it became apparent that the struggle would be protracted and severe, and that a more permanent and larger army was a necessity. Congress therefore, in March, 1862, authorized the President to call out all white men between 18 and 35 years of age, for three years of service, those already enlisted for one year to have their time extended; and on March 13th, Gen. Robert E. Lee was "charged with the conduct of the military operations of the armies of the Confederacy," under the direction of President Davis.

The "Conscription Act" raised a storm in several States, particularly in Georgia and North Carolina, where it was considered an invasion of States Rights. Governor Vance even going so far as to threaten to call out the Militia to resist the conscript officers. This objection

was a legal one, and arose from no lukewariness in the cause of the Southern States, into whose armies North Carolina sent 89,344 volunteers, in addition to the 30,000 men enlisted under the several Conscription Acts, altogether about one-fifth of her whole white population.

On September 27th, 1862, a call was made for all men between 35 and 45 years old, and February 11th, 1864, the age limit was extended to 17 and 50, the boys from 17 to 18 constituting the Junior Reserves, and men from 45 to 50 the Senior Reserves, and all were enlisted "for the war." While the earlier volunteer was able to join any company he wished, if he had a preference, the conscript was sent to any regiment from his State that needed refilling, so that men from the same town might be serving in widely separated fields.

Meanwhile President Lincoln had issued his Proclamation of Emancipation on January 1st, 1863, and on March 3d,

1863, a Northern Conscription Act called out all Northern men between 18 and 45 to join the army.

Forsyth County sent its full quota of soldiers to the front, and shared in all the anxieties and privations of the times, but was spared the horror of becoming a battlefield. Parents in less favored districts regarded it as a place of refuge, and sent their daughters to the Boarding School in Salem, until that Institution was full to overflowing and could receive no more. Gov. Vance showed the School every courtesy in his power, supplying it with sugar, etc., from captured stores, and arranging that Mr. Augustus Fogle, the School's Steward, should be exempt from military duty in order to serve the daughters of the South.

A few other men were detailed to superintend the work in the Salem Woolen Mill, which was run to its fullest capacity to furnish the much needed "Confederate Gray" for the soldiers in the field.

On March 20th, 1865, *Stoneman's Raid* started from East Tennessee. Of this and two similar expeditions sent out about the same time, Gen. Grant wrote :

"They were all eminently successful, but without any good result. Indeed much valuable property was destroyed and many lives lost at a time when we would have liked to spare them. Stoneman entered North Carolina and then pushed north to strike at the Virginia and Tennessee Railroad. He got upon that road, destroyed its bridges at different places, and rendered the road useless to the enemy up to within a few miles of Lynchburg. He then pushed south, and was operating in the rear of Johnston's army about the time that negotiations were going on between Sherman and Johnston for the latter's surrender."

As Stoneman marched into North Carolina the news of his coming preceded him, striking terror to the hearts of the people whose defenders were far away. It was expected that he would reach Salem about the first of April, and scouts were posted all along the road to the Shallow Ford, that notice might speedily be given when he crossed, but after an anxious waiting news came that he had turned toward Virginia.

A few days later however, as he marched south, the entire body passed through Forsyth. About 5,000 men, with Gen. Stoneman in command stopped for three hours in Bethania, the General making his headquarters at the home of Mr. Elias Schaub. It being Monday of Easter Week (April 10th,) the Bethania people were all in church when the word came that, all unexpectedly, the Yankees were entering the upper end of the town, and when Rev. Jacob Siewers dismissed the congregation the streets were already filled with soldiers, who burst open doors and rummaged through drawers, but did no serious damage beyond the usual taking of horses. Of these only one escaped, and that because Mr. Schaub appealed directly to Gen. Stoneman for protection, which was granted. After eating everything that could be procured, the party moved on to the Yadkin, crossing at Shallow Ford.

At Winston, the county seat, the Superior Court should have been in session.

but the Minute Docket gives no record of cases tried, only the following statement, signed by John Blackburn, the Clerk of the Court.

"The second Monday after the fourth Monday of March. A. D. 1865 Being the 10th day of April.

Be it remembered that the above mentioned 10th day of April A. D. 1865. is the regular time of holding the Superior Court of Law of the County of Forsyth at the Court House in Winston. And the Clerk and Sheriff T. J. Wilson & D. H. Starbuck also Jurors witness suitors &c attended no Judge Solicitor or any other Attornies attended considerable excitement & many reports concerning the arrival of the Federal army in town was in circulation during the day and after waiting patiently for the Judge to come until the middle of the afternoon & information being received that the Yankee army was assuredly on its way not very far distant, the people began to disperse rather unceremoniously not taking time to bid their friends adieu. I consulted some of my friends about what I should do with records & papers in the Superior Court Clerk's office and on consultation concluded to remove the most valuable, and moved some of my dockets & placed them in the care of Mrs. Emily Webb, wife of James Webb. & some with Mrs. Elizabeth Long Widow who lived in part of the

large Brick building west of the Courthouse known as Millers Storehouse. One of the dockets I handed in much haste to my friend George H. Flynt and requested him to do the best he could to save it he left it with my friend F. L. Gorrell Esq. Some of the most valuable papers I tumbled into a sack and left them with Mrs. Long at this time great Confusion prevailed it being certain the army was not far distant Capt. W. A. Albright Enrolling Officer had a considerable Confederate Guard in the Courthouse & they left precipitately I locked up the office and started down street to hear the news in Salem. Met Robert De Schweinitz principal of the Female Academy in Salem Joshua Boner Mayor of Salem, Thos. J. Wilson Mayor of Winston and R. L. Patterson, Esq. who was on a visit to Salem. on their way up street to meet the Yankee Army. They invited me to accompany them and we went up street into Liberty in front of the house then occupied by Mr. Alexander Bevel and halted there & waited the arrival of the army which was about or near sundown. The first to come was ten or fifteen men on horse back Pistols in hand in full gallop on their arrival in forty or fifty yards we raised white handkerchiefs to let them know our mission was peace they replied all right. they was angry & inquired for Confederate or rebel soldiers said they had been fired on other parties came up soon & it was not long until Genl Palmer and Staff arrived when one of our company introduced

himself to Gen'l Palmer & then introduced the others to him & he introduced us to several of his officers &c & invited us to accompany him into town which we did the main army encamped near the Salem Bridge on the east [south] side of the Creek. Gen'l Head quarters was at the residence of Joshua Boner Esq in Salem."

The Memorabilia of the Moravian Church for 1865 also gives an account of the visit of General Palmer's Brigade.

"After we had enjoyed the solemn meetings on Palm Sunday we were greatly startled the next day, April 10th, by the intelligence that the same part of the Federal army looked for on the 3rd would pass through Salem, and indeed toward evening about 4 o'clock they appeared all at once in our midst."

Scouts had been sent out to watch for their approach, and when the Yankees saw them across the hills there was a race for town, in the course of which one man was captured. He was taken to the Federal camp, but was released next morning.

"Before we could realize it soldiers were seen at every corner of the streets, had taken possession of the post-office, and secured our whole town. Some of our brethren had gone

out to meet Gen'l Palmer, the Commander of the troops coming our way, and our Mayor, Bro. Josh. Boner, addressed him personally. When commending our town and community to his protection, not only on our own account but also on account of our large female boarding school, the General assured him that no destruction of any kind would be allowed, and that we might feel perfectly secure from harm during their stay with us. Gen'l Palmer established his headquarters in the house of our Bro. Josh. Boner. In very great, comparative, silence about 3,000 cavalry passed through our town, pitching their tents on the high ground beyond the creek. Had it not been for the noise their horses and swords made it would have been hardly noticed that so large a number of—at the time—hostile troops were passing through our streets. The strictest discipline was enforced, guards rode up and down every street, and very few indeed, comparatively, were the violations of proper and becoming conduct on the part of the soldiers."

Guards were also stationed at all the principal buildings in town, and Mr. Augustus Fogle, the Steward of Salem Female Academy, used to enjoy relating his experiences with the soldier who was put in charge of the Academy. Finding him little more than a boy and tired out

from his long march, Mr. Fogle put him to bed, where he slept serenely until an officer came by and excitedly demanded his whereabouts. Being ushered into the room, the officer was completely amazed, and exclaiming, "A soldier in an enemy's country asleep in an enemy's bed!" jerked the young fellow to the floor and ordered him off to camp.

Throughout the town "the night was as quiet as any other, except that there was a great deal of riding to and fro in Main Street, and some of us could not divest themselves of apprehensions that they and their houses would be in imminent danger in case the cotton factories in town should be molested. Providentially government stores were in town in considerable abundance, so that individuals were not called upon to furnish anything except bread and the like, for which the men would generally ask politely and return thanks in the same manner. No outrages of any kind (except the pressing of horses) were committed, and even the cotton manufactories were spared by the Federals. Without any fault on the part of their officers, entrance was effected into one of these establishments, and a considerable damage was done. During the afternoon of the 11th a large number of the Federals came back from the railroad, which

they had tapped in several places. By some mistake they came into the graveyard avenue and passed through the graveyard and part of the cemetery, having shifted their camp to a place above town, but passing through those hallowed grounds almost all of them dismounted and led their horses, some even uncovered their heads. Before dark they had all left, passing through Winston towards the river, and though other soldiers, said to be less disciplined than Palmer's Brigade, have been near our town, they were not permitted to enter it. Nevertheless prudence directed a measure of precaution, especially against stragglers from Johnston's army, and for some time our own people kept watch during the night, and by the Lord's kind assistance all evil was averted.

The Confederate armies under Lee having surrendered [April 9th, 1865], portions of them passed through our town every day. They were of course under no discipline, and rendered watchful care necessary.

On the 26th of April a number of Confederates made their appearance, pretending to be in search of government cloth, to find which they had intended to search individual houses. As had been agreed upon the different bells were at once rung, and in a very short time a by no means inconsiderable number of men, many of them soldiers themselves who had come back on parole, assembled near the square, armed as well as circumstances per-

mitted, and fully determined to resist the entrance into private houses. Our unbidden visitors soon changed their language, and withdrew after a short time without offering any molestation at all."

General Lee's surrender was soon followed by the capitulation of the other Southern armies. Gen. Johnston surrendered on April 26th, and on May 4th Gen. Richard Taylor, who was the senior Confederate officer east of the Mississippi, surrendered everything in his extensive command, and on May 26th Gen. E. Kirby Smith did the same for the trans-Mississippi department, leaving no armies free to continue the war.

Of those who went out from Forsyth into the struggle the writer of the Memorabilia says:

"As the Lord our God thus exercised His gracious, guardian care over us who had remained at home, our numerous brethren, sons and friends who were away from us were also mercifully protected by Him.

"Our loved ones returned one after the other, and when we consider how many of them there were, and to what dangers, hardships and privations they were exposed, and how wonder-

fully they were taken care of, and almost all of them allowed to return to the bosom of their families. surely we must exclaimed with one heart and one voice: "Bless the Lord, O my soul, and forget not all His benefits!"

On the 14th of May the *10th Regiment of Ohio Volunteers* began a longer stay in Winston and Salem, and Col. Saunders established his headquarters in the house then occupied by Mr. Edward Hege and now by Dr. J. W. Hunter. They left the town on July 13th, and "although upon the whole they had conducted themselves tolerably well as a body, still little regret was felt at their departure, in as much as it had appeared very plainly that their presence was anything but necessary or pleasant, and their moral influence was anything but beneficial."

On the 29th of May Wm. W. Holden was appointed provisional Governor of North Carolina, to hold office until the "loyal people" of that State should be able to restore it "to its constitutional relations to the Federal Government," which restoration was not accomplished

until June 25th 1868, when Congress passed an Act receiving the State once more into the Union, the State Legislature having ratified the Fourteenth Amendment to the Constitution of the United States, whereby suffrage was extended to the former slaves.

In 1866 the 100th Anniversary of the founding of Salem was appropriately celebrated in the Moravian Church, by a large concourse of people. Shortly after this festival a strong movement was inaugurated to prohibit the sale of intoxicating liquors in Salem. An appeal was made to the Court of Pleas and Quarter Sessions, who agreed not to issue further license if the vote of the people showed that to be their wish. An election was held on March 17th, when "81 votes were cast in favor of prohibition" within the corporate limits, and "only 15 persons could be prevailed upon to vote the other way." Prohibition was therefore established in Salem, and has been the rule ever since.

During the war there had been outbreaks of Small-pox in various parts of the country, but Winston and Salem escaped until the close of 1866 when there was quite an epidemic in Salem. A piece of flannel cloth had been sent from Richmond to one of the pupils in the Academy, a few days later she was taken sick, and before the disease was recognized it had been communicated to a number of others. In those days the facilities for a proper quarantine were not available and naturally many of the girls were ill, and from the School the disease spread into the town, but throughout the entire epidemic not a single death occurred.

CHAPTER XL.

TOWNSHIP LINES.

As has been already stated, the Court of Pleas and Quarter Sessions was abolished after the close of the Civil War, and its functions (except the judicial) were transferred to a *Board of County Commissioners*. The Minute Docket says of the first meeting of the new Board.

“The Commissioners Elect for said County met at the Court House in Winston on Saturday July 25th 1868, when the following persons presents Certificates from General Edw. Canby commanding second Military District, that at an Election held in and for the County of Forsyth State of North Carolina on the 21st 22nd & 23rd days of April 1868, under the authority of the law of the United States of March 2nd 1867 ‘To provide for the more efficient government of the rebel States,’ and the laws supplementary thereto and amendatory thereof, that they was chosen by a majority of the qualified voters of said County to their respective offices as follows :

“ William B. Doub. County Commissioner, qualified as such by Jno. P. Vest, United States Commissioner, by taking oath prescribed in section 4 article 6 of the Constitution of the State of N. C. and in accordance with an Act of the General Assembly of N. C. ratified July 31st 1868.

Geo. V. Fulp, G. H. Renigar, W. A. Harper, and Aquilla Pitts were then qualified as County Commissioners by Wm. Doub; and Geo. Fulp was made chairman of the Board. N. S. Cook, Register of Deeds, gave his bond for \$10,000.00; Augustus Fogle, Coroner, gave his for \$2,000.00; R. Linville, County Treasurer, and M. Masten, Sheriff, each \$5,000.00; and John Blackburn, Clerk of Superior Court \$15,000.00.

The State Legislature, at its special session in 1868, and its winter session 1868-9, provided for the regular biennial election of five men as a Board of Commissioners in each county, defined the powers of these Boards, and made it “ the duty of the Commissioners to exercise a general supervision and control of the penal and charitable institutions.

schools, roads, bridges, levying of taxes, and finances of the county " as should be prescribed by law.

In 1876-7 the Legislature enacted that, beginning with the 1st Monday in June, 1884, the choosing of a Board of Commissioners should be entrusted to the Justices of the Peace of each county, who should meet and elect not more than three or less than five persons to serve in that capacity. To this was added the proviso, in 1887, that no Justice should be eligible for election as County Commissioner.

In 1895 the election was again put into the hands of the people of the county, and the number of Commissioners fixed at three; with the condition that if at any time after the election of the Commissioners as many as five electors of the county should make affidavit before the Clerk of the Superior Court that "they verily believed that the business of the county, if left entirely in the hands of the three Commissioners elected by the

people, would be improperly managed," then upon the petition of 200 electors of the county the judge of the district, or the judge presiding therein, was to appoint two citizens of a different political party from the three already chosen, who should become full members of the Board. At the session of 1897 that section of the Act which provided for two such additional Commissioners was repealed.

The first duty laid upon the County Commissioners by the Constitution of North Carolina, and the Acts of 1868, was the division of their respective counties into districts, "to determine the boundaries of said Districts, and to report the same to the General Assembly before the 1st day of January, 1869. When this should be done, and the reports approved by the General Assembly the districts were "to have corporate powers for the necessary purposes of local government, and be known as Townships."

The Commissioners were further em

powered "to erect, divide or alter Townships," either by the consent of a certain number of residents of the townships affected, after due advertisement, or by action of the Legislature. The latter method being the easier, has been the one adopted in Forsyth.

On the 10th of April, 1869, the Legislature enacted—

"That the Districts reported by the Commissioners of the following counties of the State to the present session of the General Assembly are hereby approved, & said Districts, in obedience to Art. VII., sec. 3 & 4 of the Constitution, to-wit, * * Forsyth. * * shall have corporate powers & shall be known as Townships, by the boundaries and by the names respectively designated in said reports."

Mr. M. H. Morris, the County Surveyor, spent twenty-five days in running the line of the new townships, for which service he received \$75.00. He made no map of the county, but in 1882 Mr. James T. Lineback, by independent surveys and by the use of Mr. Morris' notes (which bear date of December 28th,

1868), constructed a large map, a copy of which was placed in the office of the Register of Deeds.

The townships did not coincide with the Captain's Districts of an earlier day, but were rectangular, arranged in three tiers of four each,—*Belews Creek, Salem Chapel, Bethania, and Old Richmond* on the north, *Kernersville, Middle Fork, Old Town, and Vienna* next, and *Abbotts Creek, Broadbay, South Fork, and Lewisville* on the south.

Where Middle Fork, Old Town, South Fork and Broadbay should have cornered Winston Township was inserted, the lines corresponding with those of the Winston and Salem Corporations on the north and west, and extending eastward to Abbotts Creek Township, the western line of that township being identical with the original Wachovia survey.

Between Vienna and Old Town, Lewisville and South Fork, the Muddy Creek was made the boundary, elsewhere natural features were not regarded. Mr.

Morris' notes show that it was the original intention to let the Kernersville Township line drop back a third of a mile to correspond with that of Belews Creek, but Mr. Lineback found that when the line was actually run it was carried with the Abbotts Creek line and Wachovia survey to Belews Creek Township, the offset being made at that corner.

Belews Creek, Salem Chapel, Kernersville, Abbotts Creek and Lewisville Townships remain unchanged; the others have been more or less altered.

On March 11th, 1889, Forsyth County was enlarged, and a new township, *Clemmonsville*, was formed from the annexed portion. The land was taken from the adjoining county of Davidson, lying south of Forsyth, and the Act of the Assembly provided—

"That from and after the ratification of this Act, all that part of Davidson County lying north, northwest, and west of a line starting at a point known as the "plow-handle corner," * * and running west $23\frac{1}{2}^{\circ}$ south 3

miles to a point on the Yadkin River at or below the mouth of Douthit's branch, shall be annexed to Forsyth county."

The Winston Township lines have been altered several times, chiefly to correspond with changes in the corporation limits of Winston and Salem. Of these Salem was the first to be incorporated, the General Assembly of 1856-7 fixing the limit on the north at the Court House Tract, on the south at the Middle Fork of Muddy Creek, and east and west one-half mile from the centre of Main Street.

Winston was incorporated in 1859, being bounded as follows: "On the south by the town of Salem; on the north by a line one-fourth of a mile distant from and parallel with the northern line of the present town of Winston or Court House Tract; on the west by a line running parallel with the streets of Winston, and 1,278 feet from the centre of the Court House; and on the east by a line running parallel with the western boundary and one-half of a mile distant

*Old Town
Road.*

WINSTON

Fourth St.

*Shallowford
Road.*

Peters Creek.

Paper Mill Road.

SALEM

*Middle Fork of Muddy
Creek.*

1897

1849

1859

1872

1891

1889

Main St.

1856

therefrom." These were the lines around Salem and Winston at the time that the townships were surveyed.

At the session of 1876-77 the Winston Charter was revised, and the boundaries widened out, so that they began "at the northeast corner of the corporate boundaries of the town of Salem and southeast corner of the town of Winston, thence running north 80° east 80 poles, thence north parallel with the Winston line 345 poles, thence west one and one-half miles or 480 poles, thence south parallel with the western boundary of Winston 345 poles more or less to a point south 80° west of the northwest corner of the town of Salem, thence north 80° east 80 poles to said north-west corner of Salem, thence north 80° east along the boundary line of Salem and Winston to the beginning." This made Winston fully four times as large as formerly, and considerably increased the territory of the township.

In 1889 Salem extended her limits westwardly, running "with the Winston

Corporation line 500 feet" from the north-west corner of the town of Salem, "thence southwardly and parallel with the present western boundary of Salem to the north side of the old Paper Mill road at the south boundary of Lineback's orchard, thence along the north side of the old Paper Mill road in an eastwardly direction" until it met the old line. Still further advance was made toward the west in 1891, the line beginning at the Winston corner, three-quarters of a mile from the centre of Main Street, and running south 9° east one mile, then north 81° east one-quarter of a mile, thence south 9° east to Middle Fork Creek. Both of these changes involved an alteration in the township line, and the second is the present line of the Salem Corporation and that part of the Winston Township.

The Legislature of 1895 changed the boundary lines of Winston, Middle Fork and Broadbay Townships, enacting that,

"That part of Winston Township lying

south and east of Middle Fork Creek, and known as the 'pan-handle,' and that part of Middle Fork Township lying north [south] and east of Middle Fork Creek, be and the same is hereby made a part of Broadbay Township; and that part of Winston Township lying north of Middle Fork Creek and east of Brushy Fork, be and the same is hereby made a part of Middle Fork Township."

This made Middle Fork the southern, and Brushy Fork and the Winston line the eastern boundary of Winston Township, the northern line remaining as before as far as Brushy Fork.

The present boundary west of Winston was fixed in 1897, when the line running "N. 89° W. along the old corporation line" was stopped at the east side of the Old Town road, proceeding thence "in a southerly direction along the east side of said road to Peters' Creek, thence in a southwesterly direction down Peters' Creek to the north side of the Shallowford road to the point at which the road forks (the north fork running to Winston, and the south fork to Salem), thence in a southeasterly direction to the north-

west corner of the Salem Corporation." The portion of Winston Township left out to the north-west was given to Old Town Township, and the included part of South Fork was added to Winston.

In 1895 a new township was created in Forsyth. Bethania Township received the name of *Rural Hall*, and a new township, to be called *Bethania*, was placed at the point of meeting of Old Richmond, Vienna, Rural Hall, and Old Town. It extends "two and a half miles north, south, east, and west from the town of Bethania," the east and west corners of the square falling on the line between Old Richmond and Vienna, Rural Hall and Old Town. It was probably the intention that the north corner should fall on the boundary between Old Richmond and Rural Hall, but when surveyed it came a short distance to the east.

At the present time, therefore, Forsyth County contains fifteen townships.



FORSYTH COURT HOUSE.

CHAPTER XII.

FORSYTH COURT HOUSE.

On the 9th of November, 1895, the County Commissioners—M. D. Bailey, R. S. Linville, and E. W. Hauser—took up a subject which had been attracting the attention of Judges and Grand Juries for five years past, namely, the building of a new Court House for Forsyth County, the old one having become totally inadequate for the purposes for which it was designed.

It was determined to build the new house on the site of the old one, at a cost of \$50,000.00, which was later increased to \$55,000.00. Frank P. Milburn was accepted as architect, and the contract for construction was given to L. P. Hazen & Co.

It was the original intention to cover

this proposed cost by notes payable in three, four, and five years, secured by a mortgage on the Court House lot, but this was given up, and one hundred and ten \$500.00 Bonds were issued to run five, ten, and fifteen years.

In February, 1896, the old Court House was torn down, the Register of Deeds and Clerk of the Court moving their offices into the Jacobs building, and the Sheriff into the Montague building on Main Street. Court was held in the Armory, and the County Commissioners met in the office of the Register of Deeds while the building was going on, and on the 11th of January, 1897, the new Court House was declared finished and ready for use.

Standing on a slight eminence in the heart of a busy little city, this handsome structure of granite, buff brick and brownstone is as great a contrast to the modest building whose place it took as is the present county seat, with its widespread suburbs, to the three streets and

handful of houses of the "county town" of 1849, and both speak eloquently of the great strides that Forsyth County has made during the fifty years of her existence.



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